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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 6]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

SPECIAL SERIES CERTIFICATES OF INTEREST

The regulations issued by the Commodity Credit Corporation published in 23 F.R. 3913, as amended, containing the terms and conditions under which financial institutions may participate in pools of CCC price support loans on certain commodities, are hereby amended to provide the terms and conditions governing issuance of special series certificates of interest to evidence participation in the pools by adding a new § 421.3812 and amending § 421.3802 as follows:

§ 421.3812 Special series certificates of interest.

To the extent of its interest in the pools established pursuant to § 421.3802, CCC hereby offers to any commercial bank, savings bank, or trust company in the United States (hereinafter called "Bank") the opportunity to participate in the pools by making funds available to CCC at a Federal Reserve bank or branch in exchange for special series certificates, subject to the following terms and conditions:

(a) *Applicability of §§ 421.3801 through 421.3811.* The special series certificates shall be subject to the provisions of §§ 421.3801 and 421.3802 except to the extent that such provisions are not consistent with the provisions of this section. The provisions of §§ 421.3803 through 421.3811 do not apply to the special series certificates.

(b) *Application for participation.* Banks desiring to participate in the pools pursuant to the provisions of this section may do so by making the application to:

Controller, Commodity Credit Corporation, U.S. Department of Agriculture, Washington 25, D.C.

Applications may be made by letter or telegram. Applications will be received beginning January 6, 1960 and on a continuing basis thereafter. Except as otherwise authorized by the Controller, CCC, the minimum acceptable application shall be for $10,000 (the minimum amount for which a certificate will be issued) and applications for amounts above $10,000 shall be in multiples of $5,000. Each application shall include:

Name and address of applicant, amount, Federal Reserve bank or branch at which applicant bank will make payment.

(c) *Acceptance of applications.* Applications will be considered in the order received. CCC reserves the right to reject any application, in whole or in part. Notification of acceptance or rejection will be made by mail unless CCC is requested to notify applicant bank by collect telegram. The notice of acceptance will designate the Federal Reserve bank or branch at which payment for credit to CCC's account shall be made.

(d) *Payment for face amounts of certificates to be issued.* Prompt payment for the face amount of the certificates for which applicant bank has received notice of acceptance shall be made in immediately available funds at the designated Federal Reserve bank or branch.

(e) *Issuance of certificates.* Upon receipt of notice from the Federal Reserve bank or branch of payment pursuant to paragraph (d) of this section, special series certificates will be issued by CCC and forwarded to the Bank. The issue date of the certificate will be the date that payment is made to the Federal Reserve bank or branch for the account of CCC and the face amount of the certificate shall be equal to the amount of the payment.

(f) *Rate of interest.* Special series certificates shall earn interest at the rate of 4 percent per annum. This rate may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to this part providing for

(Continued on next page)

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

such increase or decrease: *Provided*, That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 30 days subsequent to publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365-day basis, except that interest earned during a leap year will be paid on a 366-day basis.

(g) *Maturity date of certificates.* The maturity date of certificates issued pursuant to the provisions of this section shall be August 1 following the issue date of the certificate. If August 1 falls on Saturday, Sunday or National holiday, the maturity date shall be the next succeeding business day.

(h) *Transfer and endorsement of certificates.* Special series certificates will be transferable by endorsement and delivery at any time prior to date of tender for purchase by CCC. All endorsements except the endorsement of the Bank tendering a certificate for purchase by CCC may be made in the manner customarily used in banking channels such as a stamped endorsement. Certificate(s) tendered for purchase by CCC must be endorsed in the space provided on the reverse thereof by autographic signature of an authorized official of the tendering Bank.

(i) *Purchase by CCC of outstanding certificates.* All payments for outstanding special series certificates purchased by CCC will be made by the Federal Reserve banks or branches as fiscal agents for CCC. Payments will be made only to a Bank and only after receipt of the certificate(s), properly endorsed, by a Federal Reserve bank or branch. All payments will include the face amount of the certificates and earned interest from the issue date(s), which will be computed using the appropriate factors shown in Table III, of Department Circular 300, "United States Treasury Department General Regulations with respect to United States Securities." Any Bank tendering special series certificates for purchase by CCC shall tender them to the Federal Reserve bank or branch in the district where the Bank is located.

(1) *Upon tender prior to maturity.* CCC will purchase prior to maturity any outstanding special series certificate tendered by a Bank and payment will be made by CCC on the fifteenth day subsequent to the date the certificate is tendered. Date of tender is defined as the date of the post mark for certificates mailed to a Federal Reserve bank or branch or the date of presentment at a Federal Reserve bank or branch if not mailed or, in cases of advance notice, the date that notice of intent to deliver certificates is sent to a Federal Reserve bank or branch by mail or telegram. If the payment date falls on Saturday, Sunday or National holiday, the payment date shall be the next succeeding business day. For certificates tendered during the 15-day period prior to maturity, payment will be made on the maturity date and will include interest only to maturity date. For called certificates tendered during the 15-day period prior to call date, payment will be made on the call date and will include interest only to the call date.

(2) *Upon call by CCC.* CCC reserves the right to call in for payment at any time any outstanding special series certificates. Public announcement of call pursuant to the provisions of this paragraph will be made by publication in the FEDERAL REGISTER at least 15 days prior to the date such certificates are to be called. Such public announcement shall identify the special series certificates to be purchased. Banks should tender called certificates as soon as possible after publication of the call notice. Interest on these certificates will be paid to call date. Interest will not be paid for any period beyond the call date.

(3) *At maturity.* CCC will purchase from Banks at maturity (August 1) all outstanding special series certificates. Banks should tender maturing certificates as soon as possible after July 15. Interest on these certificates will be paid to maturity. Interest will not be paid for any period beyond maturity.

In section 421.3802, delete the twelfth sentence and substitute in lieu thereof the following:

§ 421.3802 Pooling of price support program loan notes.

* * * To the extent to such interest, CCC reserves the right to offer commercial banks, savings banks and trust companies the opportunity to participate in the pool through issuance of special series certificates of interest upon the payment to CCC of the face amount thereof. * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Issued this 28th day of December, 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-11193; Filed, Dec. 31, 1959; 8:47 a.m.]

PART 427—COTTON

Subpart—Warehouse Approval Standards and Instructions

A new subpart, Warehouse Approval Standards and Instructions, is added to Part 427 to read as follows:

Sec.
427.1081 General statement and administration.
427.1082 Exceptions.
427.1083 Application requirements.
427.1084 Plant and operational standards.
427.1085 Other conditions for disapproval.
427.1086 Inspection of warehouses.
427.1087 Basis for approval or disapproval.
427.1088 Performance bonds and permissible substitutions.
427.1089 Notice of and duration of approval.
427.1090 Waiver of requirements.

AUTHORITY: §§ 427.1081 to 427.1090 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1443, 1421.

§ 427.1081 General statement and administration.

This subpart outlines the procedure to be followed by warehousemen who desire approval of their storage facilities by Commodity Credit Corporation (hereinafter referred to as "CCC") for the storage of cotton and cotton linters owned by CCC or held by CCC as security for loans and sets out the requirements of CCC for approval of such warehouses. Warehousemen desiring approval of their facilities should communicate with the New Orleans CSS Commodity Office (hereinafter referred to as "the New Orleans office"), which will furnish the warehousemen with full information as to securing approval of their facilities together with necessary CCC forms. A warehouse must be approved by the New Orleans office before such warehouse will be utilized for the storage of cotton or cotton linters.

§ 427.1082 Exceptions.

Notwithstanding any other provision hereof:

(a) The provisions of this subpart are not applicable to storage outside the continental limits of the United States, to the purchase of cotton or cotton linters in storage for prompt shipment, nor to handling of a temporary nature.

(b) Warehousemen licensed under the United States Warehouse Act will not be required to furnish performance bonds, financial statements, or forms of warehouse receipts and bale tags in order to be approved hereunder, and CCC will not inspect their warehouses.

(c) In any case in which a Certificate of Competency is issued by the Small Business Administration with respect to a warehouseman, the certificate will be accepted as meeting the standards set out in § 427.1084 with respect to physical plant and equipment, ability and experience, and financial responsibility and net worth, and no bond coverage for deficiency in net worth will be required in the amount of the bond to be furnished by the warehouseman.

§ 427.1083 Application requirements.

In applying for approval of a warehouse for storage of cotton or cotton linters, the warehouseman must submit an Application for Approval of Warehouse for Storage of Cotton and/or Cotton Linters (CCC Form 49), a current certified financial statement (as of a date within 90 days of the application or currently certified to by the warehouseman to the effect that his financial condition is then equal to or better than that shown on the financial statement), three sample copies of the warehouseman's tariff, evidence of fire insurance rates, two sample copies of warehouse receipts and bale tags, and any other documents or information required by the New Orleans office. It is preferable that financial statements be submitted on CCC Form 68, Statement Showing Assets and Liabilities. Applicants submitting their own form of financial statement shall attach the financial statement to Form 68, complete the portions of Form 68 specified by the New Orleans office, and sign the certificate on Form 68. When a warehouseman employs the service of a public accountant, the financial statement must be certified by the public accountant. In case of chain warehouses, a separate application, or in lieu thereof such information as required by the New Orleans office, shall be submitted for each warehouse. Only one financial statement is required in such cases.

§ 427.1084 Plant and operational standards.

CCC will consider applications for approval of warehouses upon the basis of the applicant's conformance with the following standards:

(a) The physical plant and equipment are adequate to handle and store cotton and cotton linters.

(b) The warehouseman or his employees in charge of the operations of the warehouse have demonstrated ability and experience as bona fide warehousemen and have sufficient experience with, or knowledge of, the cotton warehousing business.

(c) If State or local laws or regulations require that a warehouseman obtain a permit or license to act as warehouseman, evidence of a current permit or license shall be made available to the New Orleans office or shall be posted in the warehouse.

(d) In event that the warehouseman has entered into other contracts or agreements with the Government, he has satisfactorily complied with the terms of such contracts or agreements.

(e) The warehouseman must have adequate financial responsibility as evidenced by his net worth. The minimum net worth requirement is $10,000.00.

§ 427.1085 Other conditions for disapproval.

Applications will not be approved in the event that:

(a) The warehouseman, if licensed, is in violation of any provisions of the regulations of the licensing authority, or any condition which has resulted in the refusal, suspension, or revocation of any warehouse license has not been satisfactorily corrected.

(b) There is substantial evidence of fraudulent or dishonest acts on the part of the warehouseman or any responsible official or employee of the warehouseman.

§ 427.1086 Inspection of warehouses.

Each warehouse (except warehouses licensed under the U.S. Warehouse Act) will be inspected by a warehouse examiner prior to the time the warehouse is approved to determine whether the warehouse conforms with the various standards and requirements for approval set out in this subpart. The warehouse examiner will make recommendations to the Director of the New Orleans office regarding the approval or disapproval of the warehouse.

§ 427.1087 Basis for approval or disapproval.

The New Orleans office will review and analyze the facts disclosed by the warehouseman's application, warehouse examiner's report, financial statement, credit reports, recommendations of the warehouse examiner, and other pertinent information available from other sources. If, on the basis of this review and analysis, the New Orleans office determines that the physical plant and equipment of the warehouse conform with the requirements for proper handling and safe storage of cotton and cotton linters and furnish adequate protection to CCC and that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, and if the warehouseman furnishes a performance bond or substitute security in accordance with § 427.1088, the warehouse will be approved. If the New Orleans office determines that the warehouseman fails to meet one or more of the standards in paragraphs (a) through (d) of § 427.1084, the warehouseman may be disapproved or may be approved when the conditions of storage within the facility are determined by the New Orleans office to provide satisfactory protection for cotton, it is determined by the New Orleans office that the services of the warehouseman are required by Commodity Credit Corporation in fulfilling its responsibilities under the cotton price support program, and the warehouseman furnishes a bond (or substitute security) in an amount equal to twice the amount of the bond requirement (other than for deficiency in net worth) under § 427.1088(a) and meeting the other requirements of § 427.1088. The warehouseman shall also furnish any additional bond coverage required under § 427.1088(a) for deficiency in net worth. If the New Orleans office determines that the warehouseman fails to meet the standard in paragraph (e) of § 427.1084, the warehouse will not be approved.

§ 427.1088 Performance bonds and permissible substitutions.

(a) Except as otherwise provided in this subpart, the performance bond to be furnished to CCC by each warehouseman shall be on CCC Form 54, Warehouseman's Bond, copies of which may be obtained from the New Orleans office, shall be executed by surety companies which have been approved by the United States Treasury Department and which maintain an officer or representative authorized to accept service of legal process in the State where the facilities are located, and shall be in an amount equal to $5.00 per bale, based on the total capacity of the facility with a minimum amount of $5,000.00 and a maximum amount of $100,000.00. In addition, if CCC determines that the warehouseman does not have a net worth equal to $5.00 per bale, based on the total capacity of the facility with a minimum requirement of $10,000.00 and a maximum requirement of $100,000.00, the deficiency in net worth must be made up by an increase in the amount of the bond in an equal amount.

(b) If the New Orleans office determines it to be necessary, limited availability of space in a warehouse may be agreed upon by CCC and the warehouseman. In this case, the amount of the bond shall be calculated upon the basis of the space agreed upon rather than the total capacity of the warehouse. If there is any increase in the space which may be made available, the amount of the bond shall be recalculated promptly.

(c) In the case of warehousemen applying for approval of more than one facility in the same State, all such facilities in that State shall be considered as one facility for the purpose of determining bond requirement.

(d) State warehouse bonds, cash, negotiable securities, and legal liability insurance policies may be substituted for bonds on CCC Form 54 on the following conditions:

(1) If CCC determines that a state warehouse bond furnished by a warehouseman licensed under State laws and State supervision or under the regulations of nongovernmental supervisory agencies affords sufficient protection to depositors to warrant the substitution of such bond, the amount of such bond will be accepted by CCC in lieu of the equivalent amount of bond coverage in accordance with paragraph (a) of this section. Such bond must be executed by satisfactory corporate sureties and must either be noncancelable for a definite period or include a rider providing for 90 days' notice to CCC prior to cancellation. In case the warehouseman has more than one facility in the same state and has state warehouse bonds covering such facilities which are determined to be acceptable to CCC, the excess coverage on one facility may not be applied against insufficient bond coverage on another facility.

(2) Cash or negotiable securities will be accepted in lieu of the equivalent amount of required bond coverage. The New Orleans office will determine the acceptability of and valuation to be placed on any such securities in substitution for bond coverage. When the period for which bond was required has ended and the Director of the New Orleans office determines that all liability under the agreement has terminated, the cash or securities will be returned to the warehouseman.

(3) Warehouseman's legal liability insurance policies will be accepted in lieu of the equivalent amount of bond coverage if it is determined by CCC that such policies provide protection equivalent to that provided by the performance bond for which substitution is being made.

§ 427.1089 Notice of and duration of approval.

(a) When a warehouse has been approved, a notice of approval will be forwarded to the warehouseman. A list of approved warehouses will be issued as soon as practicable after the beginning of each marketing year and will be supplemented at frequent intervals to show additions, deletions, and other modifications. The list and supplements will be available to warehousemen and other interested persons. Upon approval of a warehouse, the warehouse will be eligible to store cotton under CCC's loan and purchase programs. CCC will also enter into a Storage Agreement for Cotton (CCC Cotton Form 24) with each such warehouseman storing cotton which would be covered by this agreement.

(b) The warehouse will be approved on a continuing rather than an annual basis, and the approval will remain in effect until terminated. The financial condition of and the amount of bond or substitute security furnished by approved warehousemen will be reviewed from time to time to determine that the requirements of CCC are being met, and the warehouseman shall furnish any additional bond coverage or substitute security which CCC may determine to be required under the provisions of this subpart. The warehouse will be reexamined from time to time to determine its continued acceptability. If CCC at any time determines that a warehouseman or his warehouse facility do not conform with the standards and other requirements set out in this subpart, CCC may terminate the approval of the warehouse and take any other appropriate action to protect the interests of CCC and producers.

§ 427.1090 Waiver of requirements.

In the event warehousing services required in fulfilling responsibilities under CCC programs cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available, CCC may except the applicant from one or more of the provisions of

this subpart and may establish other requirements in lieu thereof.

Issued this 28th day of December 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-11194; Filed, Dec. 31, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 178]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.478 Navel Orange Regulation 178.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 30, 1959.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 3, 1960, and ending at 12:01 a.m., P.s.t., January 10, 1960, are hereby fixed as follows:

(i) District 1: 700,000 cartons;
(ii) District 2: 239,100 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All Navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 31, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-11196; Filed, Dec. 31, 1959; 11:23 a.m.]

[Lemon Reg. 827]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.934 Lemon Regulation 827.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 29, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 3, 1960, and ending at 12:01 a.m., P.s.t., January 10, 1960, are hereby fixed as follows:

(i) District 1: 23,250 cartons;
(ii) District 2: 162,750 cartons;
(iii) District 3: 37,200 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 30, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-11195; Filed, Dec. 31, 1959; 8:48 a.m.]

[1017.304, Amdt. 3]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017) regulating the handling of onions grown in certain designated counties in Idaho and Malheur

County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of onions, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order, as amended. In § 1017.304 (24 F.R. 6475, 7635, 10276) delete the introductory paragraph and paragraph (b) and substitute in lieu thereof a new introductory paragraph and a new paragraph (b) as set forth below.

§ 1017.304 Limitation of shipments.

During the period from January 4 through June 30, 1960, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section or unless such onions are handled in accordance with paragraph (b) or (c) of this section.

* * * * *

(b) *Special purpose shipments.* The minimum grade and size requirements set forth in paragarph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting.
(2) Livestock feed.
(3) Charity.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1959 to become effective January 4, 1960.

PAUL A. NICHOLSON,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-11191; Filed, Dec. 31, 1959; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7248 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Nichols & Associates, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Advertising and promotional services; financing activities; § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nichols & Associates, Inc., et al., Chicago, Ill., Docket 7248, Oct. 21, 1959]

In the Matter of Nichols & Associates, Inc., a Corporation, and Paul J. Damon, Richard W. Scott, and John G. Green, Individually, and as Officers of Said Corporation, and O'Neil J. Nichols, Individually, and as a Director of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago sellers of real estate advertising with making deceptive representations to mislead owners of small businesses into paying substantial advance fees for advertising. Respondent John G. Green accepted a consent order on Apr. 22, 1959, 24 F.R. 4051.

As to all other respondents, at termination of the usual proceedings, the hearing examiner made his initial decision and order to cease and desist from which complaint counsel appealed. Granting the appeal, the Commission modified the initial decision and on October 21 adopted the modified version as the decision of the Commission.

The cease and desist order is as follows:

It is ordered, That respondent, Nichols & Associates, Inc., a corporation, and its officers and respondents, Paul J. Damon and Richard W. Scott, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the solicitation of the listing for sale and advertising of business properties or other properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondents have available prospective buyers who are interested in the purchase of specific properties;

2. That property will be sold through the efforts of respondents;

3. That respondents finance or assist in financing the purchase of property;

4. That all risk or obligation in connection with the advertising and sale of listed properties is assumed by respondents;

5. That the listing fee or any other amount paid by the property owner will be refunded, unless refunds are in fact made by respondents in strict accordance with such representation;

6. That respondents will advertise listed property on a nationwide scale in newspapers and periodicals;

7. That a thousand or any other large number of real estate brokers are affiliated or associated with respondents in the sale of property;

8. That, except in rare instances, respondents' services result in the sale of property listed with them.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent O'Niel J. Nichols.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Nichols & Associates, Inc., Paul J. Damon and Richard W. Scott, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: October 21, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-11159; Filed, Dec. 31, 1959; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55010]

PART 9—IMPORTATIONS BY MAIL

Importation of Plants or Plant Products by Mail

Recent changes in regulations of the Department of Agriculture relating to importation of plants and plant products by mail for immediate exportation (7 CFR Part 351) have added certain Plant Quarantine stations to the list of those to which parcel post or other mail packages containing plants or plant products may be diverted for disposition under such regulations. Reference to payment of postal charges on such mail shipments has been deleted for no charges are applicable.

To correspond to such changes, § 9.11(b) of the Customs Regulations is amended as follows:

Subparagraph (2), first sentence, is amended to read: "Upon arrival, the shipment shall be detained by or redispatched to the postmaster at Washington, D.C., Brownsville, Texas, Hoboken, New Jersey, Honolulu, Hawaii, Laredo, Texas, Miami, Florida, San Francisco, California, San Juan, Puerto Rico, San Pedro, California, or Seattle, Washington, as may be appropriate, according to the address on the green and yellow tag, and there submitted to the customs offi-

cer and the Federal quarantine inspector."

Subparagraph (4) is deleted.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 23, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-11170; Filed, Dec. 31, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2038]

[Montana 028577]

MONTANA

Partially Revoking Reclamation Withdrawal of August 9, 1906; Revoking Reclamation Withdrawals of August 2, 1913, October 21, 1913, and May 31, 1951 (Shoshone Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of August 9, 1906, August 2, 1913, October 21, 1913, and May 31, 1951, which withdrew lands for reclamation purposes in the first form in connection with the Shoshone Project, Montana, are hereby revoked so far as they affect the following-described lands:

PRINCIPAL MERIDIAN

T. 9 S., R. 25 E.,
Sec. 1, NE¼ and S½;
Sec. 4, W½NW¼;
Sec. 5, NE¼NE¼, W½SW¼, and SE¼SW¼;
Sec. 6, lots 1 to 4 incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 10, NW¼NW¼.
Sec. 11, W½NW¼, NE¼SE¼, and S½SE¼;
Sec. 12, N½SW¼;
Sec. 13, E½, S½NW¼, and SW¼;
Sec. 14, SE¼NE¼, SW¼NW¼, NW¼SW¼, and E½SE¼;
Secs. 22 to 27;
Sec. 31, lots 4, 5, and 6;
Sec. 33, lot 2;
Sec. 34;
Sec. 35, lot 1, N½, and N½SW¼.
T. 9 S., R. 26 E.,
Secs. 6, 7, and 18;
Sec. 19, lots 3, 4, E½SW¼, and SE¼;
Sec. 29, SW¼;
Secs. 30 and 31;
Sec. 32, lots 3, 4, 5, 6, 11, 12, and NW¼.

The areas described aggregate approximately 11,622 acres.

2. The lands are located in Warren, Montana area. Topography is rolling to rough. Soils vary from clay to silty loam, with some rock fragments. Vegetation consists of native grasses and brush.

3. No applications for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights, and the requirements of applicable law, the lands are hereby opened to filing of application, selections, and locations in accordance with the following:

a. Until 10:00 a.m. on June 28, 1960, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

b. All valid applications under the nonmineral public land laws other than any coming under subparagraph a, above, presented at or before 10:00 a.m. on June 28, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

c. Applications under subparagraphs a and b above shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on June 28, 1960.

6. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER C. ERNST,
Assistant Secretary of the Interior.

DECEMBER 28, 1959.

[F.R. Doc. 59-11163; Filed, Dec. 31, 1959; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13220; FCC 59-1313]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 11—INDUSTRIAL RADIO SERVICES

PART 20—DISASTER COMMUNICATIONS SERVICE

Miscellaneous Amendments

In the matter of amendment of Parts 2, 11 and 20 of the Commission's rules and regulations to provide for the use of the frequency band 1750 to 1800 kc for radiolocation activities of the Petroleum Industry only, within 15 miles inland and 150 miles offshore of the shoreline of that portion of the State of California south of 35 degrees 30 minutes North latitude.

1. On October 7, 1959, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was released on October 12, 1959, and published in the FEDERAL REGISTER on October 15, 1959 (24 F.R. 8383).

2. The period for filing comments and reply comments in this matter expired on November 19, 1959. Comments were received from the Lorac Service Corporation, Central Committee on Radio Facilities of the American Petroleum Institute, and Offshore Raydist, Inc. No reply comments were received.

3. The comments favored the proposal and are in agreement that the frequency band 1750–1800 kc be assigned to the Petroleum Industry only for radiolocation activities in the specified areas of the shoreline of the State of California.

4. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, Parts 2, 11 and 20 of the Commission's Rules are amended, effective February 6, 1960, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: December 22, 1959.

Released: December 29, 1959.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION
MARY JANE MORRIS,
Secretary.

I. Part 2 is amended as follows:

Footnote NG21 to the table of frequency allocations in § 2.104(a)(5) is amended to read as follows:

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.* * * *

(5) * * *

NG21 For radiolocation activities of the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations may be authorized to use frequencies in this band provided that such use (a) shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico, or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude, (b) shall be subject, internationally, to the provisions of paragraph 88 of the Atlantic City, 1947, Radio Regulations, (c) in the Gulf of Mexico area and in the California area, shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans and Los Angeles, respectively, of sunset and sunrise or at any time during an actual or imminent disaster in any area. Stations in the Disaster Communications Service shall not cause harmful interference to radiopositioning stations between the times at New Orleans and Los Angeles, respectively, of sunrise and sunset, except during an actual or imminent disaster in any area.

II. Part 11 is amended as follows:

1. Amend § 11.607(a) to read as follows:

§ 11.607 Frequencies available.

(a) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, excluding speed measuring devices, may be authorized to use frequencies in the band 1750–1800 kc. Such use shall be in connection with petroleum industry activities only and shall be at locations within 150 miles of the shoreline of the Gulf of Mexico; or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude. These frequencies are shared with the Disaster Communications Service and are subject to a number of special restrictions set forth elsewhere in this subpart.

2. Amend § 11.608(a) to read as follows:

§ 11.608 Special restrictions applicable to 1750–1800 kc only.

* * * * *

(a) Such stations shall be located within 150 miles of the shoreline of the Gulf of Mexico; or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude.

3. Amend § 11.611(c) to read as follows:

§ 11.611 Control of interference, 1750–1800 kc only.

* * * * *

(c) *Times of sunrise and sunset.* For the purposes of this section, irrespective of the time zones involved, it shall be assumed that the times of sunrise and sunset at each actual station location are as follows:

(1) *Gulf of Mexico area.* The monthly average central standard times of sunrise and sunset at New Orleans, Louisiana, are set forth in the following table:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise	7:00	6:45	6:15	5:30	5:15	5:00
Sunset	5:15	5:45	6:15	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise	5:15	5:30	5:45	6:00	6:30	6:45
Sunset	7:00	6:45	6:00	5:30	5:00	5:00

(2) *California area.* The monthly average Pacific standard times of sunrise and sunset at Los Angeles, California, are set forth in the following table:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise	7:00	6:45	6:00	5:30	4:45	4:45
Sunset	5:00	5:30	6:00	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise	4:45	5:15	5:30	6:00	6:30	6:45
Sunset	7:00	6:45	6:00	5:15	4:45	4:45

III. Part 20 is amended as follows:

1. Amend § 20.29 (a) and (b) to read as follows:

§ 20.29 Limitations on use of frequencies.

(a) The assigned frequencies in the band 1750–1800 kc are available to stations in this Service upon a shared basis with the stations in the Industrial Radiolocation Service also assigned frequencies within that band: *Provided however,* That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between the times at New Orleans, Louisiana, and Los Angeles, California, respectively, of sunrise and sunset: *And provided further,* That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans, Louisiana, and Los Angeles, California, respectively, of sunset and sunrise, or at any time during an actual or imminent disaster in any area.

(1) The average times of sunrise and sunset at New Orleans, Louisiana, based on central standard time, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise	7:00	6:45	6:15	5:30	5:15	5:00
Sunset	5:15	5:45	6:15	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise	5:15	5:30	5:45	6:00	6:30	6:45
Sunset	7:00	6:45	6:00	5:30	5:00	5:00

(2) The average times of sunrise and sunset at Los Angeles, California, based on Pacific standard time, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise	7:00	6:45	6:00	5:30	4:45	4:45
Sunset	5:00	5:30	6:00	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise	4:45	5:15	5:30	6:00	6:30	6:45
Sunset	7:00	6:45	6:00	5:15	4:45	4:45

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radio location Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service, except by mutual agreement between the licensees in both services through the channels of liaison prescribed in § 20.30. Stations in the Industrial Radiolocation Service are authorized to use frequencies in the 1750–1800 kc band under the condition, among others, that such use shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico, or within 15 miles inland and 150 miles offshore of that portion of the shoreline of the State of California south of 35 degrees 30 minutes North latitude.

[F.R. Doc. 59–11179; Filed, Dec. 31, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59–55]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

CALIFORNIA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on November 24, 1959, approved the California system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the California system shall be operative on and after Friday, April 1, 1960. On that date the authority to number motorboats principally used in the State of California will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by California. On and after April 1, 1960, all reports of "boating accidents" which involve motorboats numbered in California will be required to be reported to the Division of Small Craft Harbors, Department of Natural Resources, Sacramento 14, California, pursuant to the Assembly Bill No. 828 enacted June 18, 1959, approved July 3, 1959 (Chapter 1454, California Statutes of 1959); and the regulations promulgated thereunder by the Small Craft Harbors Commission of the State of California.

Because § 172.25–15(a)(13), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15 (a)(13) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) * * *

(13) California—April 1, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: December 22, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59–11169; Filed, Dec. 31, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1002, 1009]

[Docket No. AO–268–A5]

MILK IN GREATER WHEELING AND CLARKSBURG, WEST VIRGINIA, MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions To Proposed Amendments To Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Greater Wheeling and Clarksburg, West Virginia, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Wheeling, West Virginia, on September 29–30, pursuant to notice thereof which was issued September 9, 1959, (24 F.R. 7381).

The material issues on the record of the hearing relate to:

1. Expansion of the Greater Wheeling marketing area.

2. The Class I prices.

(a) Seasonality and level of prices.

(b) The supply-demand adjustors.

3. Specifying conditions under which a cooperative association would be handler on bulk tank milk.

4. Classifying milk transferred to a nonpool plant.

5. Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Greater Wheeling marketing area should be expanded to include Harrison County, Ohio. That part of Guernsey County, Ohio, not now in the marketing area and Union Township in Muskingum County, Ohio, should not be added to the marketing area.

Over 95 percent of the milk distributed in Harrison County is from handlers' plants regulated by either the Northeastern Ohio order or the Greater Wheeling order. Handlers regulated by the Wheeling order distribute over half of all fluid milk sold in Harrison County. Of 11 routes operated within the county, six are operated by Wheeling pool handlers, four by handlers regulated by the Northeastern Ohio order and one by an unregulated handler from a plant at New Philadelphia, Ohio. The amount of fluid milk distributed in Harrison County from the unregulated handler's plant is less than 5 percent of its total fluid milk product distribution and would not, therefore, subject such plant to full regulation. Furthermore, including Harrison County in the marketing area will not change the effective regulation for Northeastern Ohio pool handlers distributing fluid milk there, since the larger part of their sales is in the Northeastern Ohio marketing area.

Health regulations for the production and distribution of milk in Harrison County are similar to those in effect in the present marketing area.

Inclusion of Harrison County in the marketing area would assure the maintenance of stable marketing conditions with this additional territory and would make the marketing area conform more closely with the sales territory of regulated handlers. It is concluded that Harrison County should be included in the Greater Wheeling marketing area.

Inclusion of that part of Guernsey County not now in the marketing area and Union Township in Muskingum County, Ohio was supported by certain Wheeling handlers principally on the basis that sales in that territory by handlers regulated by the Wheeling order and by other nearby Federal orders are slightly more than half of the total sales and unregulated handlers selling there can procure milk supplies at prices less than Wheeling regulated handlers are required to pay.

Fluid milk is distributed in the part of Guernsey County not in the marketing area and in Union Township by handlers regulated by the Wheeling, Northeastern Ohio and Columbus milk orders, and by unregulated handlers. Wheeling handlers distribute approximately 43 percent of the total fluid milk sales in these areas, and unregulated handlers account for approximately 48 percent. The remaining 9 percent is distributed by handlers regulated by other orders.

In a decision issued November 13, 1957 (22 F.R. 3173), it was concluded that because Wheeling handlers had a smaller portion of the business in Union Township and the remainder of Guernsey County, and because extension of regulation to this territory would involve unregulated handlers who had a major portion of their business elsewhere, such territory should not be made a part of the Greater Wheeling marketing area.

Wheeling handlers have since increased their sales in the area in question (43 percent of the total sales now as compared to approximately 36 percent two years ago). In view, however, of the substantial sales in this proposed territory by two unregulated handlers whose sales are mostly outside the proposed and presently regulated areas, the addition of Union Township and the remainder of Guernsey County is denied. The plants of the two handlers are located at Zanesville, Ohio. Extension of the marketing area as proposed would bring these plants under regulation as pool plants.

In conjunction with their proposal to expand the marketing area to Union Township and the remainder of Guernsey County, the proponent handlers proposed a change in one of the requirements of the pool plant definition, particularly, that the requirement that distributing plants distribute 5 percent of their total route disposition in the marketing area be increased to 15 percent. They pointed out that by raising such requirement the Zanesville handlers would not qualify for pool status, but would be subject to compensatory payments on that quantity of milk distributed in the proposed area. This, they argued, would provide the price stability they claim is needed in Union Township and the remainder of Guernsey County without subjecting the entire operations of the Zanesville plants to full regulation. The record is not clear as to how a change in the requirements for pool status would affect other handlers in the market. The proposed change is not sufficiently supported and is denied.

It would not be possible to designate a marketing area of reasonable size which would include all sales outlets of each and every handler that would be subject to regulation. As additional territory would be added, the problems associated with the extension of regulation to distributors that make a substantial portion of their fluid milk sales outside the marketing area would be increased. By providing for a marketing area as proposed herein, regulation is at a minimum for milk distributors with a large proportion of their sales outside the marketing area and their operations will not be unduly disturbed with respect to the major portion of their sales in communities where they compete with other distributors who would not be regulated at all by any order.

2. The Wheeling and Clarksburg Class I differentials and supply-demand adjustments should be changed to modify the seasonal pattern and to attain closer

alignment of prices during certain months with nearby markets.

The Greater Wheeling and Clarksburg orders should be amended to provide for Class I price differentials of $1.42 and $1.67, respectively, in the months of April through July, and $1.88 and $2.13, respectively, in the months of August through March.

The present Class I price differentials applicable to the Wheeling and Clarksburg orders are $1.50 and $1.75, respectively, for the months of February through July and $1.95 and $2.20, respectively, in all other months. These differentials are added to a basic formula price before adjustments for supply-demand relationships.

A producer association with substantial membership in both markets proposed that the months of February and March be included with those months when the seasonally high Class I differentials apply. Their proposal would result in an annual increase of approximately 8 cents per hundredweight in the respective Class I prices. A proposal of Wheeling handlers would use Class I differentials 5 cents lower than now in the order, but would include February at the higher seasonal level. This would reduce the average annual level by approximately one cent. Of other alternatives proposed at the hearing, one would lower the Clarksburg Class I price in relation to the Wheeling price and one would increase the Clarksburg Class I price 35 cents.

Another proposal made by producers would increase the standard utilization percentages used in the supply-demand adjustments in both orders. These proposed changes also would tend to increase the level of Class I milk prices in these markets.

There is a relationship between the Wheeling market and the Northeastern Ohio market which should be recognized in establishing Class I milk prices. Substantial amounts of milk priced at plants under the Northeastern Ohio order are distributed in the Wheeling marketing area. Also, there is an overlapping of the production areas of the two markets.

In support of their proposal, the producer association claimed that the original 15-cents per hundredweight differential of the Wheeling market over the Akron-Stark County, Ohio, area, which existed when the Wheeling order was issued, should be reestablished. It was claimed that historically such a differential has been shown necessary. Subsequent changes in the prices pursuant to regulations applicable in the Akron-Stark County area have narrowed the difference of the Class I price differentials to 7.5 cents per hundredweight. The Akron-Stark County area is now part of the Northeastern Ohio marketing area.

The intermarket price relationship has also been affected by the supply-demand adjustments in these markets. Since May 1, 1958 (the effective date of the Wheeling and Clarksburg supply-demand adjustments), the Wheeling Class I price has averaged 17 cents per hundredweight over the order Class I price in the Akron-Stark County area. Since the 5-cent increase in the Akron-Stark County Class I price differentials effective September 1, 1958, the average price difference has been 15.8 cents per hundredweight. The more recent increase of 2.5 cents in the Class I differentials in the Akron-Stark County area (at the time of incorporation into the Northeastern Ohio marketing area) was offset by changing the classification of certain products from Class I to Class II. From these considerations it is apparent that the claimed historical relationship has been largely maintained. Whether such a relationship should be continued in the future will depend on existing market conditions.

The Clarksburg market is also affected by intermarket relationships with the Wheeling and Tri-State markets. Considerable volumes of milk are distributed in the Clarksburg market by handlers regulated under the orders for the other two markets.

Since May 1, 1958, the Clarksburg Class I price has averaged 37 cents over the Class I price applicable at Marietta, Ohio (in the Athens district of the Tri-State milk order), from which city substantial quantities of fluid milk are distributed in the Clarksburg marketing area. The cost of transportation for the distance of 79 miles from Marietta, Ohio, to Clarksburg would not justify any increase in such price difference between the two markets. Furthermore, continuance of the distributing of milk in the Clarksburg market by at least one Wheeling handler also shows that there is no justification for widening the differential between these two markets on the basis of the cost of moving the milk.

The importance of intermarket relationships should be recognized with respect to the change in the seasonal pattern of Class I price differentials under the Northeastern Ohio milk order. The Wheeling and Clarksburg orders should be amended, therefore, to provide for Class I price differentials of $1.42 and $1.67, respectively, in the months of April through July and $1.88 and $2.13, respectively, in the months of August through March. This change will increase by 38 cents the Class I price differentials applicable during February and March and will decrease by 8 and 7 cents, respectively, the differentials applicable during the months of April through July and August through January, thus maintaining approximately the present annual level of Class I price differentials (an increase of ⅛ cent) while providing for the same seasonal changes in Class I price differentials as under the Northeastern Ohio milk order.

Besides the intermarket relations, the local supply-demand situations in the Wheeling and Clarksburg markets are important considerations in determining the appropriate price levels. At those pool plants which depend primarily on producer milk, supplies have been increasing faster than Class I sales. For the year 1957, at such plants producer receipts were 117.8 and 117.1 percent of Class I sales in Wheeling and Clarksburg, respectively, and correspondingly for the year 1958, producer receipts were 123.6 and 125.0 percent of Class I sales in Wheeling and Clarksburg, respectively. Although these figures show some increase in the level of supply on an annual average basis, there has continued to be periods in the fall and winter months when both markets have experienced a relatively short supply. Such temporary variations in the supply situation, should be reflected in the level of the Class I prices through the supply-demand adjustments in both orders.

When the supply-demand adjusters were incorporated in the Wheeling and Clarksburg orders (May 1, 1958), standard utilization percentages were adopted which were based on the record of the hearing held February 14, 1958. At that time both producers and handlers testified that in the shortest production months producer milk equal to 110 percent of Class I disposition was sufficient to meet the Class I needs of the market. This figure was adopted as the minimum standard utilization percentage in both orders for the shortest production months. For the months in which price adjustment would be made on the basis of this standard, the Class I prices would be adjusted upwards if producer milk was less than 110 percent of Class I disposition. A range of three points above 110 percent within which no price adjustment would occur was provided to guard against fluctuating price adjustments when there was no significant change in the relation of supplies to Class I needs. A supply-sales relationship above 113 percent in these months would be the basis for price reduction. Higher standard utilization percentages in other months recognized the natural seasonal variation in milk production and seasonal changes in Class I sales.

Producers proposed that the standard utilization percentages be adjusted upward in 10 months of the year. Their proposal would increase the yearly average of the lower side of the monthly range of standard utilization percentages from 118 to 122.75. They pointed out that since the supply-demand adjustors became effective on May 1, 1958, they have operated to reduce the price in all but three months in Wheeling and all but two months in Clarksburg. They argued that the standard utilization percentages should be at a level more nearly in line with the standard utilization percentages now in effect in the Northeastern Ohio milk order. Furthermore, it was pointed out that the standard utilization percentages in the Wheeling and Clarksburg orders have now been in effect for a sufficient period of time so that they should be revised based on the actual experience and changes in the market conditions.

Experience shows that producer milk equal to 110 percent of Class I disposition is not sufficient to insure that the Wheeling and Clarksburg markets will be adequately supplied. To some extent, therefore, the present standard utilization percentages have depressed the Class I prices unnecessarily during the months of shortest production. However, because of the relationships with other nearby Federal order markets and the tendency toward increasing supplies of producer milk in relation to Class I sales there is no justification for any substantial increase in the annual level

of the Class I prices through the operation of the supply-demand adjustments.

Accordingly, the standard utilization percentages should be revised in recognition of the necessity for larger reserves of producer milk in some months and the necessity for maintaining approximately the same annual level of Class I prices. As in the case of the supply-demand computations now in the orders, the standard should apply to milk utilization at all pool plants except those which obtain 50 percent or more of their milk supplies from plants regulated under other orders.

During the months of January, February and March of each year since the inception of the Wheeling and Clarksburg orders the receipts of producer milk in each market have been as low in relation to Class I sales in most instances as at any other time during the year. This condition should be reflected in the revised standard utilization percentages.

The revised standard utilization percentages in Wheeling and Clarksburg would be as follows:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	117	120
February	December-January	117	120
March	January-February	115	118
April	February-March	115	118
May	March-April	117	120
June	April-May	129	132
July	May-June	136	139
August	June-July	126	129
September	July-August	117	120
October	August-September	113	116
November	September-October	113	116
December	October-November	117	120

The same schedule of standard utilization percentages should apply in both the Wheeling and Clarksburg markets inasmuch as similar seasonal changes in production occur in both markets. Any difference in the level of actual utilization in the two markets should be reflected in separate supply-demand adjustments for each market in the manner now employed in the orders. In view of the shorter supply situation in recent periods in the Clarksburg market as compared to Wheeling, the provision of the Clarksburg order which restricts the action of the supply-demand adjustment in relation to the Wheeling Class I price should be reexamined. This provision is that the Clarksburg Class I price may exceed the Wheeling Class I price by not less than 15 cents nor by more than 30 cents. The recent tendency of the supply to be shorter in Clarksburg than in Wheeling should be recognized in allowing the action of the Clarksburg supply-demand adjustment to cause the price to be as much as 35 cents over the Wheeling price.

The present tie-in of the Wheeling supply-demand adjustment with the supply-demand adjustment effective under the Northeastern Ohio milk order should be continued. The effective Wheeling supply-demand adjustment cannot vary by more than 15 cents from the supply-demand adjustment effective under the Northeastern Ohio milk order for the previous month. The tie-in recognizes the interrelationship of supplies for these two markets and tends to insure that the Wheeling Class I price will maintain an appropriate relationship with the major milk market in nearby areas.

Producers proposed that the Northeastern Ohio supply-demand adjustment for the current month rather than such adjustment for the preceding month be used in the computation of the Wheeling supply-demand adjustment.

Adoption of this proposal would necessarily result in a delay in the announcement of the Wheeling Class I price, which is now announced on the 11th day of the month. The supply-demand computation for the Northeastern Ohio marketing area may be announced after the administrator for the market has computed the uniform price for the preceding month, which must be announced on the 14th. Handlers were opposed to any delay in announcing the Wheeling Class I price. Had this proposal been in effect during the period for which Wheeling has had a separate supply-demand adjustor it would have caused a slight change in the Wheeling Class I price in only one month. It is likely, therefore, that this proposal if adopted would have very little effect on the level of the Wheeling Class I price. The proposed change is not necessary and is denied.

3. Under certain conditions a cooperative association should be designated as a handler with respect to milk it receives from producers in bulk tank trucks.

Producers in the Greater Wheeling and Clarksburg markets are in the process of converting from can to bulk tank delivery. Although the principal cooperative association is not now receiving milk from producers in bulk tank trucks, it is anticipated that they will in the near future.

When a cooperative association controls the bulk tank trucks receiving milk from producers' farm tanks, the weights and butterfat content of each producer's deliveries are ascertained at the farm. The pool plant operator receiving such milk would have no information regarding individual producer's weights and tests except as such information is made available to him by the cooperative association.

Under the above mentioned conditions it would be administratively feasible for such plant operators to pay the cooperative association for such milk at not less than the applicable class prices for producer milk at the location of the pool plant to which it is delivered by the tank truck. This would be accomplished most effectively by designating a cooperative association as a handler with respect to milk received from producers in tank trucks operated under the control of such cooperative when such milk is moved directly from the farm to pool plant.

The cooperative association should be responsible in the accounting and payment under the order for the milk from each producer's farm contained in any farm pick-up tank truck operated under its control, irrespective of whether deliveries are made to a single plant or to a number of plants.

4. The transfer provisions of the Greater Wheeling and Clarksburg orders should be revised to give consideration to the classification of skim milk and butterfat transferred to a nonpool plant where there is Class I disposition.

Under the present provisions of the respective orders, skim milk and butterfat transferred to a nonpool plant may be classified as Class II if certain conditions are met. One such condition is that the receiving nonpool plant utilize an equivalent quantity of skim milk and butterfat in Class II during the month.

If such nonpool plant also has disposition in the form of Class I products as defined in the order, the question may arise as to whether the nonpool plant uses the milk transferred from the pool plant for such Class I disposition. If the transferred milk is the only milk at the nonpool plant qualified for fluid consumption, it is reasonable to expect that it was used to supply the nonpool plant's Class I disposition.

Such considerations in the proper classification of milk transferred to nonpool plants should allow Grade A dairy farmers regularly delivering their milk to the nonpool plant to have prior claim on the Class I disposition. Ungraded fluid milk products disposed of by the nonpool plant should not be accounted for as Class I disposition of the nonpool plant. Other disposition by the nonpool plant which is covered by the definition of Class I milk should be credited to the transfers from pool plants on the basis of proration to milk from all Federal order plants which transferred milk to such nonpool plant during the month.

The method herein recommended for classifying transfers and diversions from pool plants to nonpool plants accords equitable treatment to Wheeling and Clarksburg order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to Grade A dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provisions of the respective orders by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

5. Miscellaneous and conforming changes.

a. Prices for base and excess milk under the Greater Wheeling and Clarksburg orders should apply during the months of April through July instead of March through July.

March, in recent years, has been a month of relatively short supply, and accordingly there is no need to apply base and excess payments in this month. April through July are the four months of seasonally highest production in both the Wheeling and Clarksburg markets. The change herein recommended was proposed by the cooperative association

representing a majority of producers on both markets and was unopposed at the hearing.

b. The allowance on shrinkage under the Wheeling and Clarksburg orders should be revised to provide that shrinkage shall be prorated only to those receipts which are in the form of fluid milk products.

Skim milk and butterfat in manufactured products are accounted for on a used-to-produce basis and any processing loss involved is included in the amount of skim milk and butterfat reported as used. The proration of shrinkage to other source milk, therefore, should be on the basis of skim milk and butterfat received in other source milk in the form of fluid milk products only.

Under the present provisions of both orders (§§ 1002.63 and 1009.63) the operator of a pool plant may divert milk to the pool plant of another handler for his account. In such cases the diverting handler is responsible for the reporting, classification and payment for such milk. The order should be made clear, however, that any shrinkage allowance on such diverted milk should accrue to the pool plant operator physically receiving such milk.

c. The Wheeling and Clarksburg orders now provide for a reclassification charge on inventories. This charge applies when under the allocation procedure any part of beginning inventory is assigned to Class I milk. The reclassification charge is limited, however, to the amount of producer milk assigned to Class II milk in the preceding month. The rate of reclassification charge is the difference between the Class II price of the preceding month (since closing inventory is classified as Class II milk) and the Class I price of the current month.

A proposal made by producers would apply a further reclassification charge when beginning inventory allocated to Class I milk represents milk received in the previous month from unregulated sources. Such a reclassification charge would be at the same rate as the compensatory payment applied to current receipts of other source milk classified as Class I milk.

Compensatory payments do not apply to other source milk which has been priced as Class I milk under another Federal order, but may apply when milk is received from unregulated sources or from other Federal order markets where it is not priced as Class I milk.

Similarly, in the case of inventory reclassification, a charge should not apply if, after reclassification of producer milk in inventory, the remaining amount of beginning inventory assigned to Class I may be assigned to supplies received in the previous month which were classified and priced as Class I under another Federal order. Accordingly, after arriving at a reclassification charge on producer milk in inventory, the remaining amount of beginning inventory which has been allocated to Class I should be reduced to the extent that receipts during the previous month from other Federal order markets were allocated to Class II milk although classified and priced as Class I milk under the other orders. The then remaining amount of reclassified inventory would be subject to compensatory payment.

d. The Wheeling and Clarksburg orders should be amended to provide for the charging of interest at the rate of one-half of one percent per month or any portion thereof on overdue obligations to the producer-settlement funds and to a cooperative association on amounts owed such association for producer milk for which it is a handler.

Prompt payment to the producer-settlement fund is essential to the operation of the marketwide pool. Charging interest at the above rate will encourage handlers to make payments to such fund within the time specified. Since a cooperative association as a handler on bulk tank milk may be required to make payments to the producer-settlement fund from money owed it by handlers, an interest charge is also provided on such accounts.

Producers also proposed that interest be charged handlers on any authorized deduction from payments due producers for remittance to a cooperative association which are not remitted by the date specified in the order. The evidence does not show that a serious problem exists in this regard and accordingly, the proposal is denied.

e. Under the present provisions of the Wheeling and Clarksburg orders producer milk may be diverted on not more than 10 days during each of the months of August through February. This provision is intended to limit diversions to 10 days of production during such months. The orders should specify, therefore, that if milk is received from a producer every-other-day it may be diverted on not more than 5 days during each of the months of August through February.

f. One of the formulas used in the Greater Wheeling and Clarksburg orders for computing the basic formula price is the average of the prices paid for milk from dairy farmers at specified plants in Wisconsin and Michigan. One of the 13 plants now listed in the orders (Pet Milk Co., Hudson, Michigan) is no longer in operation. Accordingly, only the 12 plants now operating are listed in the revised orders as the plants whose prices paid to dairy farmers shall be used in determining the basic formula price under the orders.

g. The Greater Wheeling marketing area designation should specify Liverpool Township instead of East Liverpool Township in Columbiana County, Ohio. The decision and order of the Secretary issued September 6, 1955 (20 F.R. 6635) stated clearly that the marketing area should include all of the territory in Liverpool Township. This revision will not change the scope of regulation but will provide for the correct reference to such township in the marketing area designation.

h. The reference to "Cleveland, Ohio" in § 1002.51(a)(2) of the Wheeling order should be changed to "Northeastern Ohio" to conform with the recently revised designation of Federal order No. 75.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Greater Wheeling and Clarksburg, West Virginia, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended.

Order Amending the Order Regulating the Handling of Milk in the Greater Wheeling Marketing Area

1. Delete § 1002.5 and substitute the following:

§ 1002.5 Greater Wheeling marketing area.

"Greater Wheeling marketing area", hereinafter called the "marketing area", means all territory included within the boundaries of (a) Jefferson, Belmont, Harrison, and Monroe counties, Ohio, (b) Hancock, Brooke, Ohio, and Marshall counties, West Virginia, (c) Liverpool, St. Clair, Wellsville, Yellow Creek, Madison, and Washington Townships in Columbiana County, Ohio, and (d) Londonderry, Oxford and Millwood townships in Guernsey County, Ohio.

2. Delete § 1002.6 and substitute the following:

§ 1002.6 Producer.

"Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area which milk is received during the month at a pool plan: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

3. Add a new § 1002.12(c) to read as follows:

§ 1002.12 [Amendment]

(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided,* That such milk shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck.

4. Delete § 1002.19 and substitute the following:

§ 1002.19 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 1002.90 multiplied by the number of days of milk production delivered in such month.

5. Delete § 1002.20 and substitute the following:

§ 1002.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during any of the months of April through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1002.90.

6. Delete § 1002.30 and substitute the following:

§ 1002.30 Reports of sources and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 1002.12(c);

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month;

(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1002.31 [Amendment]

7. Delete § 1002.31(b) (1) and (2) and substitute the following:

(1) On or before the 7th day of each of the months of May through August the aggregate quantity of base milk received for the preceding month,

(2) On or before the 20th day after the end of the month, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of April through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions.

§ 1002.41 [Amendment]

8. Delete § 1002.41(b)(5) and substitute the following:

(5) In shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1002.6), milk received from a cooperative association for which it is a handler pursuant to § 1002.12(c), milk caused to be delivered to the plant pursuant to § 1002.63, and other source milk received in the form of fluid milk products: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1002.6), milk received from a cooperative association for which it is the handler pursuant to § 1002.12(c), milk caused to be delivered to the plant pursuant to § 1002.63, and other source milk received in the form of fluid milk products.

§ 1002.43 [Amendment]

9a. Delete § 1002.43(a) and substitute the following:

(a) Skim milk and butterfat transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 1002.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 1002.63) shall be classified as Class I milk unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II milk does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 1002.45: *Provided,* That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk: *And provided further,* in no case shall the assignment to Class I milk in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II.

b. Delete § 1002.43(c)(4) and substitute the following:

(4) The skim milk and butterfat in the fluid milk products (except in ungraded fluid milk products) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved by a duly constituted health authority for the production of Grade A milk who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded fluid milk products) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products transferred or diverted from a pool plant and shall be classified as Class I milk: *And provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants fully regulated by this order and other orders issued pursuant to the Act is more than the skim milk and butterfat in fluid milk products disposition at the nonpool plant assignable pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant pursuant to this computation shall be not less than that obtained by prorating the assignable fluid milk product disposition at the nonpool plant over the receipts at such plant from all plants fully regulated by this and other orders issued pursuant to the Act.

10. Add a new § 1002.46 to read as follows:

§ 1002.46 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to

§ 1002.45(a)(4) and the corresponding step in § 1002.45(b) subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to § 1002.45 in :

(a) Producer milk, and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

§ 1002.50 [Amendment]

11. In § 1002.50(a) delete the phrase "Pet Milk Co., Hudson, Mich."

§ 1002.51 [Amendment]

12a. Delete § 1002.51(a)(1) and substitute the following:

(1) Add the amount for the month indicated:

Month	*Amount*
April, May, June and July	$1.42
All others	1.88

b. In § 1002.51(a)(2) delete "Cleveland, Ohio" and substitute therefor "Northeastern Ohio".

c. Delete the table in § 1002.51(a)(4) and substitute the following:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	117	120
February	December-January	117	120
March	January-February	115	118
April	February-March	115	118
May	March-April	117	120
June	April-May	129	132
July	May-June	136	139
August	June-July	126	129
September	July-August	117	120
October	August-September	113	116
November	September-October	113	116
December	October-November	117	120

§ 1002.70 [Amendment]

13. Delete § 1002.70(d) and substitute the following:

(d) Add (1) any amount obtained by multiplying any plus amount resulting from the calculations pursuant to § 1002.46(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) any amount obtained by multiplying any plus amount remaining after the calculation pursuant to § 1002.46(b) by the rate of compensatory payment pursuant to § 1002.54(a).

14. Delete § 1002.71 and substitute the following:

§ 1002.71 Computation of the uniform price.

For each of the months of August through March, the marketing administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1002.70 for all handlers who submit reports prescribed in § 1002.30 and who are not in default of payments pursuant to § 1002.80 or § 1002.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1002.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1002.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1002.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

15. In § 1002.72 delete "March" and substitute therefor "April".

16. In § 1002.75 delete "March" and substitute therefor "April".

17. Delete § 1002.80 and substitute the following:

§ 1002.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1002.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1002.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipts of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section:

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1002.12(c) at not less than the value of such milk at the applicable class prices: *Provided,* That to this amount shall be added one-half of one percent of any amount due such association pursuant to this paragraph for each month or any portion thereof that such payment is overdue.

(d) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of April through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1002.84.

18. Delete § 1002.82 and substitute the following:

§ 1002.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator any amount by which his obligation as computed pursuant to § 1002.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials: *Provided,* That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

19. Delete § 1002.86 and substitute the following:

§ 1002.86 Expenses of administration.

On or before the 15th day after the end of each month, each handler shall

pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (except producer milk received by a cooperative association as a handler pursuant to § 1002.12 (c), (b) milk received from a cooperative association as a handler pursuant to § 1002.12(c), (c) other source milk allocated to Class I milk pursuant to § 1002.45 (a)(2) and (b), and (d) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1002.62.

§ 1002.45 [Amendment]

20. In § 1002.45(a)(5) delete the words "pool plants of".

§ 1002.70 [Amendment]

21. In § 1002.70(a) delete the words "computed pursuant to § 1002.45".

Order Amending the Order Regulating the Handling of Milk in the Clarksburg, West Virginia Marketing Area

1. Delete § 1009.6 and substitute the following:

§ 1009.6 Producer.

"Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area which milk is received during the month at a pool plant: *Provided,* That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

§ 1009.12 [Amendment]

2. Add a new § 1009.12(c) to read as follows:

(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided,* That such milk shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck.

3. Delete § 1009.19 and substitute the following:

§ 1009.19 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 1009.90 multiplied by the number of days of milk production delivered in such month.

4. Delete § 1009.20 and substitute the following:

§ 1009.20 Excess milk.

"Excess milk" means milk received at pool plants from a producer during any of the months of April through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1009.90.

5. Delete § 1009.30 and substitute the following:

§ 1009.30 Reports of sources and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on farms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 1009.12(c);

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1009.31 [Amendment]

6. Delete § 1009.31(b) (1) and (2) and substitute the following:

(1) On or before the 7th day of each of the months of May through August the aggregate quantity of base milk received for the preceding month,

(2) On or before the 20th day after the end of the month, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of April through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions.

§ 1009.41 [Amendment]

7. Delete § 1009.41(b)(5) and substitute the following:

(5) In shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1009.6), milk received from a cooperative association for which it is a handler pursuant to § 1009.12(c), milk caused to be delivered to the plant pursuant to § 1009.63, and other source milk received in the form of fluid milk products: *Provided,* That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1009.6), milk received from a cooperative association for which it is the handler pursuant to § 1009.12(c), milk caused to be delivered to the plant pursuant to § 1009.63, and other source milk received in the form of fluid milk products.

§ 1009.43 [Amendment]

8a. Delete § 1009.43(a) and substitute the following:

(a) Skim milk and butterfat transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 1009.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 1009.63) shall be classified as Class I milk unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II milk does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 1009.45: *Provided,* That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk: *And provided further,* In no case shall the assignment to Class I milk in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II.

b. Delete § 1009.43(c)(4) and substitute the following:

(4) The skim milk and butterfat in the fluid milk products (except in ungraded fluid milk products) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved by a duly constituted health authority for the production of Grade A milk who the market administrator determines constitute the regular source of supply for such plant: *Provided,* That any skim milk or butterfat in fluid milk products (except in ungraded fluid milk products) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products transferred or diverted from a pool plant and shall be classified as Class I milk: *And provided further,* That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants fully regulated by this order and other orders issued pursuant to the Act is more than the skim milk and butterfat in fluid milk products disposition at the

nonpool plant assignable pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant pursuant to this computation shall be not less than that obtained by prorating the assignable fluid milk product disposition at the nonpool plant over the receipts at such plant from all plants fully regulated by this and other orders issued pursuant to the Act.

9. Add a new § 1009.46 to read as follows:

§ 1009.46 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1009.45(a)(4) and to corresponding step in § 1009.45(b) subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to § 1009.45 in:

(a) Producer milk, and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

§ 1009.50 [Amendment]

10. In § 1009.50(a) delete the phrase "Pet Milk Co., Hudson, Mich."

§ 1009.51 [Amendment]

11. In § 1009.51(a) in the language preceding subparagraph (1) delete the words "30 cents" and substitute the words "35 cents" and delete subparagraph (1) and substitute the following:

(1) Add the amount for the month indicated:

Month	*Amount*
April, May June and July	$1.67
All others	2.13

b. Delete the table in § 1009.51(a)(4) and substitute the following:

Month for which price applies	Months for which average utilization is computed	Standard utilization percentages	
		Minimum	Maximum
January	November-December	117	120
February	December-January	117	120
March	January-February	115	118
April	February-March	115	118
May	March-April	117	120
June	April-May	129	132
July	May-June	136	139
August	June-July	126	129
September	July-August	117	120
October	August-September	113	116
November	September-October	113	116
December	October-November	117	120

§ 1009.70 [Amendment]

12. Delete § 1009.70(d) and substitute the following:

(d) Add (1) any amount obtained by multiplying any plus amount resulting from the calculations pursuant to § 1009.46(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) any amount obtained by multiplying any plus amount remaining after the calculation pursuant to § 1009.46(b) by the rate of compensatory payment pursuant to § 1009.54(a).

13. Delete § 1009.71 and substitute the following:

§ 1009.71 Computation of the uniform price.

For each of the months of August through March, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Combine into one total the obligations computed pursuant to § 1009.70 for all handlers who submit reports prescribed in § 1009.30 and who are not in default of payments pursuant to § 1009.80 or § 1009.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1009.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1009.74;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1009.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1009.72 [Amendment]

14. In § 1009.72 delete "March" and substitute therefor "April".

§ 1009.72 [Amendment]

15. In § 1009.75 delete "March" and substitute therefor "April".

16. Delete § 1009.80 and substitute the following:

§ 1009.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1009.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1009.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2nd day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section:

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1009.12(c) at not less than the value of such milk at the applicable class prices: *Provided,* That to this amount shall be added one-half of one percent of any amount due such association pursuant to this paragraph for each month or any portion thereof that such payment is overdue.

(d) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of April through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1009.84.

17. Delete § 1009.82 and substitute the following:

§ 1009.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market

administrator any amount by which his obligation as computed pursuant to § 1009.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

18. Delete § 1009.86 and substitute the following:

§ 1009.86 Expenses of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk (except producer milk received by a cooperative association as a handler pursuant to § 1009.12(c), (b) milk received from a cooperative association as a handler pursuant to § 1009.12 (c), (c) other source milk allocated to Class I milk pursuant to § 1009.45 (a) (2) and (b), and (d) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1009.62.

§ 1009.45 [Amendment]

19. In § 1009.45(a) (5) delete the words "pool plants of".

§ 1009.70 [Amendment]

20. In § 1009.70(a) delete the words "computed pursuant to § 1009.45".

Issued at Washington, D.C., this 29th day of December 1959.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-11192; Filed, Dec. 31, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13335; FCC 59-1310]

CONELRAD ATTENTION SIGNAL

Transmission Standards

1. Notice is hereby given of Rule Making in the above-entitled matter.

2. The Commission has before it for consideration a recommendation that there be established specific transmission specifications for the CONELRAD Attention Signal. The Office of Civil and Defense Mobilization, in a letter dated August 4, 1958, requested that action be initiated looking toward the establishment of such standards so that an alert receiver could be developed that could be mass produced and still meet OCDM requirements.

3. Executive Order 10312, which provides for emergency control over stations engaged in radio transmission, contains a provision, among others, that plans be prepared and implemented whereby radio stations may be silenced or required to be operated in a manner consistent with the needs of national security and defense. The authority to prepare and put into effect such plans is delegated to the Commission under Section 1 of Executive Order 10312. An operating and alerting plan for broadcast stations was approved November 11, 1952. On April 8, 1953, CONELRAD Rules for broadcast stations, and the CONELRAD Manual, BC-3, For Broadcast Stations were adopted by the Commission. Section 3.919 of these rules states that "the CONELRAD Manual is the document containing the detailed description of how broadcast stations will be alerted and operated in the CONELRAD system. The Manual will be subject to modification from time to time as experience indicates."

4. Section 3.932 of the Commission Rules states that immediately upon the receipt of a CONELRAD Radio Alert, all standard, FM, and TV broadcast stations will follow the prescribed procedure and transmit an approved sign off message as set forth in the CONELRAD Manual for Broadcast Stations, then remove the transmitter from the air.

5. The CONELRAD Attention Signal, as now set forth in the CONELRAD BC-3 Manual, is activited by broadcast stations in the following manner.

(a) Discontinue normal program.

(b) Cut the transmitter carrier for approximately 5 seconds (Sound carrier only for TV stations).

(c) Return carrier to the air for approximately 5 seconds.

(d) Cut the transmitter carrier for approximately 5 seconds (Sound carrier only for TV stations).

(e) Return carrier to the air.

(f) Broadcast 1,000 cycle (approx.) steady state tone for 15 seconds.

The CONELRAD Attention Signal consists of steps (b) through (f). There are no other specifications.

6. When the Commission's staff and the industry formulated the composition of the original CONELRAD Attention Signal there were numerous considerations involved. One of the most important of which was the utilization of the 1000-cycle per second tone. Some of the factors considered at that time were as follows:

(a) 1000 cycles per second is a standard test signal which can be generated without complex equipment or circuitry at low cost.

(b) It is an audible (annoying) signal and could be used to attract the listener's attention.

(c) Provides for the optimum transfer of radiated energy into the sidebands.

(d) Provides a more useful signal in fringe areas above prevailing ambient noise levels.

By utilizing the (bracket standard) sequence of two carrier breaks and 15-seconds of 1000 cycle tone, a wide latitude in the production of "muted" CONELRAD Radio Alert receivers was made available to the receiver manufacturer in the free competitive market. This "bracket standard" provided on one hand, for complex circuitry with interlocking of the elements (two carrier breaks and 1000 cycle tone) to provide a maximum of freedom to false alarms at one extreme and on the other hand, simple circuitry utilizing the carrier break principle with minimum freedom from false alarms at the other extreme.

7. A CONELRAD Attention Signal Study Committee was appointed to study and report on possible standards for the Attention Signal. The Committee after holding several meetings and reviewing the background leading to the development of the CONELRAD Attention Signal, reached the conclusion that the composition of the present signal would be retained. However, this committee agreed that the project should be referred to the National Industry Advisory Committee for further study and recommendations of specific transmission tolerances.

8. The National Industry Advisory Committee determined that:

(a) The establishment of specific and relative tight tolerances on the CONELRAD Attention Signal would not increase the cost of receivers for general public use.

(b) The basic radio receiver for public use need not be elaborate and its final cost would be determined by the desired freedom from false alarm.

(c) The establishment of specific tolerances on the CONELRAD Attention Signal would aid in the design of the more elaborate and more foolproof type of receiver required for OCDM use.

It was further determined that, inasmuch as transmitters could be turned off and on in a relatively short time, close tolerances can be applied to the Attention Signal. It was indicated that the control of the Attention Signal must be accomplished by an automatic control device. The committee agreed that the burden of cost should be placed with the transmitter rather than the receiver because of the relative ease of control at this point. It was further revealed that a coding equipment might be procured by individual broadcasters for approximately $150.00 per unit. Thus this would indicate that the economics are definitely in favor of a relatively small expenditure at the transmitter in place of considerable complexity for each and every alert receiver that might be sold in the future.

9. The Commission has been encouraging the development of pre-attack and post-attack State Defense Networks by the various State Industry Advisory Committees. These emergency networks are formed by off-the-air relay between FM broadcast stations, with program material being intercepted off-the-air by standard broadcast stations. These State Defense Networks are alerted for Emergency Weather Warnings by utilizing FM receivers equipped with CONELRAD Attention Signal devices. In this connection, the Broadcast Services Committee of the NIAC has been requested to prepare suitable promotional material for use by all broadcast stations, encouraging the general public to purchase combination AM-FM CONELRAD Radio Alert receivers for receipt of Emergency Weather Warnings and

the CONELRAD Radio Alert in the event of enemy attack. The broadcast industry has indicated active support of this activity, since it has a direct bearing upon increasing AM–FM receiver circulation for the broadcaster.

10. At the October 22, 1959 meeting of the NIAC, the Chairman of the Electronics Industry Committee indicated that the receiver manufacturing industry was waiting upon adoption of the proposed technical transmission tolerances prior to production of AM–FM CONELRAD Radio Alert receivers for sale to the general public.

11. In view of the above, it is proposed to amend the CONELRAD Manual BC–3 so as to establish the following transmission tolerance specifications for the CONELRAD Attention Signal.

TRANSMISSION STANDARDS

Carrier off: 5 Sec. ±0.25 Sec.
Carrier on: 5 Sec. ±0.25 Sec.
Carrier off: 5 Sec. ±0.25 Sec.
Carrier on: Tone on within 1 Sec.
Duration of tone: 15 Sec. ±1.0 Sec.
Tone frequency: 1000 cycles±0.2%, 5% distortion at the oscillator.
Percentage modulation: 75%.

12. The National Industry Advisory Committee report did not recommend the utilization, by broadcast stations, of an automatic push button device which, when activated would automatically cause the transmitter to send the CONELRAD Attention Signal having the above tolerances. However, the report of the Electronics Industry Committee contains a statement that the control of the Attention Signal must be accomplished by an automatic control device, two of which are available. A statement was made at the NIAC meeting that the Commission should consider, as a part of the criteria for permission to remote control broadcast transmitters, the inclusion of "automatic" equipment to transmit the CONELRAD Attention Signal. All stations, as pointed out previously, whether remote controlled or otherwise, are presently required to transmit the CONELRAD Attention Signal and CONELRAD Radio Alert Message upon receipt of notification of the CONELRAD Radio Alert. In view of the decrease in the length of the attack warning time that has developed, it is believed that automation should be carried one step further in that an additional device would take over immediately after the Attention Signal was sent and transmit the approved CONELRAD Alert Message together with a short civil defense message and then remove the transmitter from the air. For those stations holding a National Defense Emergency Authorization, a further adaption of the automatic device would cause the CONELRAD transmitter to be activated and made ready for transmission of National, State and local emergency information. The present Notice of Proposed Rule Making applies specifically to the standards for the Attention Signal. Parties filing comments are requested to direct their attention to the need for and desirability of an amendment of the BC–3 to provide for the use of automatic push button devices to accomplish one or more of the following operations:

(a) Transmit the CONELRAD Attention Signal.

(b) Transmit the CONELRAD Radio Alert Message, the local civil defense message and then remove the transmitter from the air.

(c) Place the CONELRAD transmitter in operation ready to transmit emergency information.

13. There are presently 86 key standard broadcast stations operating on a 24-hour basis at the request of the Commission. These stations provide the backbone of the alerting system. All licensees of the Commission are required to install means to receive the CONELRAD Radio Alert. In the majority of cases a broadcast station is monitored by the other services in order to receive an Alert. In addition the general public would receive an alert from broadcast stations. The CONELRAD Attention Signal may also be used to alert the public to Emergency Weather Warning information in accordance with section 3.933 of the Commission's Rules. Several State Industry Advisory Committees have, or are in the process of establishing Emergency (FM) Defense Networks. Advantage is being taken of the reliable solid FM coverage which does not change much with the time of day or with atmospheric conditions. The development of an AM–FM broadcast alert receiver will provide an effective means of alerting the general public during normal non-listening hours.

14. The proposed amendments hereinabove described are issued pursuant to the authority contained in sections 1, 4(i) and 303 (e) and (r) of the Communications Act of 1934, as amended, and section 4 of Executive Order 10312.

15. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before February 8, 1960 written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within thirty days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

16. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: December 22, 1959.

Released: December 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–11180; Filed, Dec. 31, 1959; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 401]

DISCLOSURE OF INFORMATION FOR PURPOSES RELATING TO AID TO DEPENDENT CHILDREN

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act approved June 11, 1946, that an amendment to the regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as an amendment to present Social Security Administration Regulation No. 1, as amended (20 CFR 401.1 et seq.). It is proposed to amend the existing regulation, effective upon final publication in the FEDERAL REGISTER, to permit release of information in the records of the Bureau of Old-Age and Survivors Insurance to an agency of a State Government receiving grants-in-aid under Title IV of the Social Security Act, concerning the whereabouts of a deserting parent of a child receiving Aid to Dependent Children.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, in the Health, Education, and Welfare Building, 4th and Independence Avenue, SW., Washington 25, D.C. within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205(a), 1102, and 1106 of the Social Security Act, 53 Stat. 1368 as amended, 49 Stat. 647 as amended, 64 Stat. 559, and section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: December 24, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

1. Section 401.3(g)(1) of Social Security Administration Regulation No. 1 is amended to read:

§ 401.3 Information which may be disclosed and to whom.

* * * * *

(g)(1) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving grants-in-aid under titles I, V, X, or XIV of the Social Security Act, information regarding benefits paid or entitlement to benefits under title II of the Social Security Act and, if it has been determined, the date of birth of a recipient or applicant, and also whether a period of disability has

been established for such recipient or applicant, the beginning and ending date of such period, and the date determined to be the date of onset of such disability, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant. Medical information relating to an individual may be furnished for such a purpose to such an officer or employee only upon consent of such individual and of the source of such information or, if such source is not available, of a physician in the employ of the Department.

2. Section 401.3(g) is further amended by adding at the end thereof a new subparagraph (3) to read as follows:

(3) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving grants-in-aid under title IV of the Social Security Act, the information specified in subparagraph (1) of this paragraph and in addition, in accordance with requirements and procedures issued from time to time by the Bureau of Public Assistance of the Social Security Administration, information concerning the whereabouts of a deserting parent of a child eligible for Aid to Dependent Children under a program receiving grants-in-aid under title IV of the Social Security Act.

[F.R. Doc. 59-11165; Filed, Dec. 31, 1959; 8:45 a.m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12341 etc.; FPC 59-1296]

ATOM BROADCASTING CORP. (WAUB) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Atom Broadcasting Corporation (WAUB), Auburn, New York, Docket No. 12341, File No. BP-10994; for construction permit; WMBO, Incorporated (WMBO), Auburn, New York, Docket No. 13320, File No. BR-212; for renewal of license of Station WMBO; Auburn Publishing Company (WMBO-FM), Auburn, New York, Docket No. 13324, File No. BRH-414; for renewal of license of Station WMBO-FM.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1959;

The Commission having under consideration (1) the above-captioned application of Atom Broadcasting Corporation for a construction permit for a new standard broadcast station (WAUB) to operate on 1590 kilocycles with a power of 500 watts, directional antenna, daytime only, at Auburn, New York, granted without hearing on May 21, 1958; (2) the Commission's Memorandum Opinion and Order (FCC 58-771, Mimeo 61687) released August 5, 1958, (a) granting the "Petition for Reconsideration" filed June 20, 1958, by WMBO, Incorporated, and the Auburn Publishing Company, licensees of Stations WMBO and WMBO-FM, Auburn, New York, respectively, directed to the Commission's action in granting the WAUB application and claiming that the economic situation in Auburn, New York, is such that operation by another station would be detrimental to the public interest; and (b) ordering said petitioners, pursuant to § 1.328(c) of the Commission rules, to file applications for renewal of licenses of Stations WMBO and WMBO-FM for consolidation in a hearing proceeding with the WAUB application for a determination, in the event the petitioners prove Auburn, New York, cannot support another station, as to which of the instant applicants are best qualified to operate the limited number of stations which Auburn, New York, could support: (3) the Commission's Memorandum Opinion and Order (FCC 58-1165, Mimeo 65937) released December 5, 1958, denying the petition for reconsideration filed on August 21, 1958, by WMBO, Incorporated, and the Auburn Publishing Company and directed to that part of the Commission's previous Memorandum Opinion and Order which required petitioners to file applications for renewal of the licenses of Station WMBO and WMBO-FM; and (4) the above-captioned applications of WMBO, Incorporated, and the Auburn Publishing Company for the renewal of the licenses of Stations WMBO and WMBO-FM, respectively, which renewal applications were filed on February 2, 1959, as directed in the Commission's aforementioned Memorandum Opinion and Order released on December 5, 1958;

It further appearing that except as indicated by the issues specified below, the applicants herein are legally, financially, technically and otherwise qualified to operate Stations WAUB, WMBO and WMBO-FM as proposed, but that, as directed in the Commission's above-referenced Memorandum Opinion and Order released on August 5, 1958, the licensees of Stations WMBO and WMBO-FM will be afforded an opportunity at a hearing to prove that the economic effects of another broadcast station in the Auburn area, in addition to Stations WMBO and WMBO-FM, would be to damage or destroy broadcast service to an extent inconsistent with the public interest; and that, if it is concluded that operation by an additional station in Auburn would not be in the public interest, a determination will be made as to which of the instant applicants are best qualified to operate the limited number of stations which Auburn, New York could support; and

It further appearing that the Commission, on February 11, 1959, granted an application for modification of the WAUB authorization to specify a change in transmitter site, File No. BMP-8386, and, on June 5, 1959, granted an application for consent to the assignment of the WAUB authorization from Herbert M. Michels to Atom Broadcasting Corporation, File No. BAP-431, both of which applications were granted without prejudice to whatever action the Commission may deem necessary as a result of the hearing proceeding ordered herein; and that determinations under the issues hereinafter set forth should be with respect to the WAUB authorization as modified and with respect to the assignee, Atom Broadcasting Corporation, (see Zenith Radio Corp. *v.* FCC, 10 Pike and Fischer 2001, 2007); and

It is ordered, That, pursuant to §§ 1.191 and 1.328(c) of the Commission rules, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the economic effect of another broadcast station in the Auburn area, in addition to stations WMBO and WMBO-FM, would be to damage or destroy service to an extent inconsistent with the public interest.

2. If the answer to Issue No. 1 is in the affirmative, to determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest in the light of the evidence adduced and the record made with respect to the significant differences among the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the stations as proposed.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the stations as proposed.

(c) The programming service proposed in each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applicants should be granted.

It is further ordered, That with respect to Issue 1, above, the burden of proceeding with the introduction of evidence and the burden of proof shall be on WMBO, Incorporated, and the Auburn Publishing Company.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hear-

ing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11181; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket No. 12544; FCC 59M-1770]

BAY AREA ELECTRONIC ASSOCIATES

Order Continuing Hearing

In re application of John F. Egan and Robert Sherman, d/b as Bay Area Electronic Associates, Santa Rosa, California, Docket No. 12544, File No. BP-11319; for construction permit.

The Hearing Examiner having under consideration a motion filed on December 22, 1959, by Bay Area Electronic Associates, requesting that the further hearing in the above-entitled proceeding presently scheduled for December 28, 1959, be continued to January 28, 1960;

It appearing that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition; and good cause has been shown for the grant thereof;

It is ordered, This 22d day of December 1959, that the motion be and it is hereby granted; and the further hearing in the above-entitled proceeding be and it is hereby continued to January 28, 1960, at 10 o'clock a.m., in Washington, D.C.

Released: December 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11182; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket No. 13300; FCC 59M-1769]

COAST VENTURA CO. (KVEN-FM)

Order Scheduling Prehearing Conference

In re application of Coast Ventura Company (KVEN-FM) Ventura, California, Docket No. 13300, File No. BMPH-6039; for modification of construction permit (FM).

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 22d day of December 1959 that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C. at 10:00 a.m. on January 14, 1960.

Released: December 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11183; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket No. 13288; FCC 59M-1771]

EVANSTON CAB CO.

Order Continuing Hearing Conference

In re application of Evanston Cab Company, Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

Upon letter request received from the above applicant on December 21, 1959, and with the consent of counsel for the Commission's Safety and Special Radio Services Bureau: *It is ordered,* This 23d day of December 1959, that the prehearing conference heretofore scheduled in this proceeding for December 30, 1959, is postponed to Wednesday, January 6, 1960, at 2:00 o'clock, p.m., in the offices of the Commission at Washington, D.C.

Released: December 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11184; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket Nos. 12619, 12620; FCC 59M-1774]

GRAVES COUNTY BROADCASTING CO., INC., AND MUHLENBERG BROADCASTING CO. (WNES)

Order Scheduling Hearing

In re applications of Graves County Broadcasting Company, Inc., Providence, Kentucky, Docket No. 12619, File No. BP-11577; Muhlenberg Broadcasting Company (WNES), Central City, Kentucky, Docket No. 12620, File No. BP-11731; for construction permits.

By agreement of the parties: *It is ordered,* This 23d day of December 1959, that hearing in the above-entitled proceeding presently continued without date, is hereby scheduled to be held on January 5, 1960, at 9:30 a.m., in the offices of the Commission, Washington, D.C.

Released: December 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11185; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket Nos. 13328, 13329; FCC 59-1301]

JEFFERSON COUNTY BROADCASTING CO. AND RALPH J. SILKWOOD

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Howard W. Turner, Louis G. Kinkade and William C. Robinson, d/b as Jefferson County Broadcasting Co., Madras, Oregon, Docket No. 13328, File No. BP-12223; Requests: 900 kc, 1 kw, Day; Ralph J. Silkwood, Klamath Falls, Oregon, Docket No. 13329, File No. BP-12656; Requests: 900 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 22d day of December 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, and otherwise qualified to construct and operate their instant proposals; but may not be financially qualified; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated October 6, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues as hereinafter specified; and

It further appearing that by amendment filed November 9, 1959, replying to the Commission's letter of October 6, 1959, the applicant in BP-12656 submitted data purporting to show that it was financially qualified to construct and operate its proposed station, but that on the basis of the information submitted, it does not appear that the applicant has shown sufficient funds available to finance the construction and operation of this station, since the balance sheet of the applicant shows a net worth of $31,000 which reflects total liabilities of $22,000 (excluding loan commitment of $10,000 dated October 20, 1959) and no cash or liquid assets; that therefore, a question arises as to the applicant's plans for meeting its current obligations; that, moreover, the above referenced loan commitment of $10,000 dated October 20, 1959 and expiring January 20, 1960, also states that the security for this loan is the signatures of Mr. and Mrs.

W. H. Hansen, but that the information showing Hansens' financial ability to secure the note or the conditions pertaining to such endorsement, have not been furnished; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether Jefferson County Broadcasting Co. (BP-12223) and Ralph J. Silkwood (BP-12656) are financially qualified to construct and operate their stations as proposed.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of BP-12656, the construction permit shall contain a condition that the permittee will be responsible for the installation of necessary filter circuits to minimize any effects of internal or external cross-modulation with the antenna structures of any nearby stations.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11186; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket No. 12874; FCC 59M-1773]

RADIO AMERICAS CORP. (WORA)

Order Scheduling Prehearing Conference

In re application of Radio Americas Corporation (WORA), Mayaguez, Puerto Rico, Docket No. 12874, File No. BP-11925; for construction permit.

It is ordered, This 23d day of December 1959, that a hearing conference will be held in the above-entitled matter at 10:00 a.m. on Monday, January 18, 1960, in the offices of the Commission, Washington, D.C.

Released: December 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11187; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket No. 12600 etc.; FCC 59M-1776]

SHELBY COUNTY BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of H. T. Parrott, R. D. Ingram, J. W. Pickett & Edwin L. Rogers d/b as Shelby County Broadcasting Company, Shelbyville, Indiana, Docket No. 12600; File No. BP-11202; General Communications, Incorporated, Lafayette, Louisiana, Docket No. 13305, File No. BP-12244; Storz Broadcasting Co. (KOMA), Oklahoma City, Oklahoma, Docket No. 13306, File No. BP-12833; for construction permits.

It is ordered, This 23d day of December 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 9, 1960, in Washington, D.C.

Released: December 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11188; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket No. 13333]

RICHARD J. SLUGGETT

Order To Show Cause

In the matter of Richard J. Sluggett, 629 Northeast 15th Avenue, Fort Lauderdale, Florida, Docket No. 13333; order to show cause why there should not be revoked the license for radio station WF-4035 aboard the vessel "Sabalo."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation was served upon the above-named licensee as follows:

Official Notice of Violation mailed June 15, 1959, alleging violation of § 8.364(a) of the Commission's rules by failure to identify a communication at the beginning thereof, and § 8.366(b)(2) of the Commission's rules by failure to initiate a communication on the frequency 2182 kc prior to commencement of communication on the frequency 2638 kc.

It further appearing that the above-named licensee having failed to make satisfactory reply thereto, the Commission by letter dated August 4, 1959, sent by Certified Mail, Return Receipt Requested (735990), brought this matter to the attention of the licensee and requested that such licensee respond to such letter within fifteen (15) days from the date of its receipt stating the measures which had been taken, or were being taken, to bring the operation of the subject radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, Richard J. Sluggett, on August 21, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen (15) days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been made; and

It further appearing that the Commission, by letter dated October 16, 1959, and sent by Certified Mail (97866), again brought this matter to the attention of the licensee and requested that such licensee respond to such letter within ten (10) days from the date of its receipt, and again warned the licensee that failure to respond to such letter might result in the institution of formal enforcement proceedings; and

It further appearing that receipt of the Commission's letter of October 16, 1959, was acknowledged by the signature of the licensee, Richard J. Sluggett, on October 22, 1959, to a Post Office Department return receipt; and

It further appearing that although more than ten days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been made; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is orered, This 24th day of December 1959, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291 of the Commission's Statement of Delega-

tions of Authority, that the said licensee show cause why the license for the captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the licensee.

Released: December 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11189; Filed, Dec. 31, 1959; 8:47 a.m.]

[Docket Nos. 13318, 13319; FCC 59M-1777]

UNITED ELECTRONICS LABORATORIES, INC., AND KENTUCKIANA TELEVISION, INC.

Order Scheduling Hearing

In re applications of United Electronics Laboratories, Inc. Louisville, Kentucky, Docket No. 13318, File No. BPCT-2640; Kentuckiana Television, Incorporated, Louisville, Kentucky, Docket No. 13319, File No. BPCT-2652; for construction permits for new television broadcast stations (Channel 51).

It is ordered, This 23d day of December 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 23, 1960, in Washington, D.C.

Released: December 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-11190; Filed, Dec. 31, 1959; 8:47 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the Order to Show Cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an Initial Decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the Order to Show Cause, the allegations of fact contained in the Order to Show Cause will be deemed as correct and the sanctions specified in the Order to Show Cause will be invoked.

DEPARTMENT OF JUSTICE

Office of Alien Property

JULIUS JUSTUS Et Al.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Julius Justus, Bronx, New York; $83.18 in the Treasury of the United States.

Ludwig Justus, Sao Paulo, Brazil; $83.18 in the Treasury of the United States.

Herbert Justus, Terbog, The Netherlands; $83.19 in the Treasury of the United States.

Hedwig Grootkerk, New York, New York; $83.19 in the Treasury of the United States.

Ludwig Hammerschlag, New York, New York; $83.19 in the Treasury of the United States.

Claim No. 35727; Vesting Order No. 3916.

Executed at Washington, D.C., on December 22, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-11174; Filed, Dec. 31, 1959; 8:46 a.m.]

POST OFFICE DEPARTMENT

APPOINTMENTS TO POST OFFICE DEPARTMENT CITIZENS' STAMP ADVISORY COMMITTEE

The following is the text of Order No. 57038, dated December 22, 1959:

The following members of the Post Office Department Citizens' Stamp Advisory Committee are appointed to continue to serve for a period of 1 year:

Abbott Washburn, Washington, D.C.
H. L. Lindquist, New York, N.Y.
Bernard Davis, Philadelphia, Pa.
Sol Glass, Baltimore, Md.
Arnold Copeland, New York, N.Y.
Ervine Metzl, New York, N.Y.
William H. Buckley, New York, N.Y.

Order No. 56525 of the Postmaster General dated January 8, 1958 (23 F.R. 663) is hereby rescinded.

(R.S. 161, as amended, 396, as amended, 3914, 3917; sec. 26, 20 Stat. 361, as amended, sec. 1, 46 Stat. 1469, sec. 15, 60 Stat. 810, as amended; 5 U.S.C. 22, 55a, 369, 39 U.S.C. 275, 276a, 351, 360)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-11175; Filed, Dec. 31, 1959; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-17506, G-19224]

CARTER-JONES DRILLING CO., INC.

Notice of Applications and Date of Hearing

DECEMBER 22, 1959.

Take notice that Carter-Jones Drilling Company, Inc. (Applicant), a Texas corporation with its principal place of business in Kilgore, Texas, filed applications for itself, and as Operator [1] pursuant to section 7 of the Natural Gas Act, for:

(1) A certificate of public convenience and necessity in Docket No. G-17506 on January 12, 1959, to cover the sale of gas in interstate commerce to Arkansas Louisiana Gas Company from Applicant's Mary Dunn et al. Gas Unit No. 1 in the Greenwood-Waskom Field, Caddo Parish, Louisiana, pursuant to a gas sales contract dated January 2, 1959.

(2) Permission and approval in Docket No. G-19224 on August 13, 1959, for authorization to abandon the above-described service to Arkansas Louisiana pursuant to section 7(b) of the Natural Gas Act for the reason that the available supply of natural gas is depleted to the extent that continuance of service is unwarranted, all as more fully stated in the applications on file with the Commission and open to public inspection.

Applicant states: that the well on the subject unit was drilled, completed and equipped at a total cost of $85,201.96; that a total of 3,729 Mcf was produced through March 1959 for a total value of $407.54 (10.9289 cents per Mcf), without regard to deductions for royalties or taxes, and that there has been no production since that date. Applicant further states that during the period of production the expenses borne by the working interests were $2,038.03 resulting in a net loss of $1,630.49 and that remedial and workover operations have not increased the production of gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

[1] Applicant filed for itself and on behalf of the following nonsignatory co-owners: F. G. Beamsley, W. H. Foster, Dorothy N. Manziel, W. M. Plaster, M. E. Pollard, John Pope and Bluford Stinchcomb.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 26, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11171; Filed, Dec. 31, 1959; 8:46 a.m.]

[Docket No. G-17849 etc.]

EL PASO NATURAL GAS CO. ET AL.

Notice of Applications, Consolidation and Date of Hearing

DECEMBER 28, 1959.

In the matters of El Paso Natural Gas Company, Docket No. G-17849; Northern Natural Gas Company, Docket No. G-18110; The Atlantic Refining Company, Docket No. G-17571; Phillips Petroleum Company (Operator), Docket No. G-17747; Socony Mobil Oil Company, Inc.,[1] Docket No. G-17842; Shell Oil Company (Operator), Docket No. G-17888; Pioneer Production Corporation (Operator), Docket No. G-18553; Riddell Petroleum Corporation, Docket No. G-18609; Pan American Petroleum Corporation, (Operator), Docket No. G-18660; Sinclair Oil & Gas Company (Operator), Docket No. G-18748.

Take notice that: The Atlantic Refining Company, a Pennsylvania corporation with its principal place of business in Dallas, Texas; Phillips Petroleum Company, a Delaware corporation with its principal place of business in Bartlesville, Oklahoma; Socony Mobil Oil Company, Inc., a New York corporation with its principal place of business at 150 East 42d Street, New York 17, New York; Shell Oil Company, a Delaware corporation with its principal place of business at 50 West 50th Street, New York 20, New York; Pioneer Production Corporation, a Texas corporation with its principal place of business in Amarillo, Texas; Riddell Petroleum Corporation, a Delaware corporation with its principal place of business at 30 Rockefeller Plaza, New York 20, New York; Pan American Petroleum Corporation, a Delaware corporation with its principal place of business at 511 South Boston Avenue, Tulsa 3, Oklahoma and Sinclair Oil & Gas Company, a Maine corporation with its principal place of business at Tenth and Boston Streets, Tulsa, Oklahoma, each filed an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing each of them to render service as hereinafter described, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

The respective applicants propose to produce and sell to El Paso Natural Gas Company (El Paso) natural gas for transportation in interstate commerce for resale pursuant to their contracts with El Paso as summarized in the tabulation below:

Docket No.	Name of applicant	Date application was filed	Date of contract	Name and location of field	Initial price per Mcf at 14.65 psia
					Cents
G-17571	The Atlantic Refining Co.	1-19-59 amended by ltr. 3-16-59.	11-1-58 amended 12-26-58.	Highland Field, Beaver County, Okla.	21
G-17747	Phillips Petroleum Co.	1-29-59	11-21-59	Anadarko Basin Area, Beaver and Ellis Counties, Oklahoma and Hemphill, Lipscomb, and Ochiltree Counties, Tex.	21
G-17842	Socony Mobil Oil Co., Inc.	2-13-59 amended 6-5-59 and 9-16-59.	11-19-58 amended 3-6-59 and 6-22-59.	Highland, Madison, and Mocane Fields, Beaver County, Okla.	21
G-17888	Shell Oil Co.	2-19-59 amended 6-25-59 and 7-1-59.	5-19-58 amended 7-18-58, 10-30-58, 12-22-58, 1-29-59, and 6-12-59; ratified by Otto C. Barby and Anna Barby, 11-24-58.	Clear Lake and Madison Fields, Beaver County, Okla.	21
G-18553	Pioneer Production Corp.	5-19-59	3-16-59	Leases in Beaver County, Okla.	21
G-18609	Riddell Petroleum Corp.	5-22-59	11-10-58	Highland Field Beaver County, Okla.	21
G-18660	Pan American Petroleum Corp.	5-29-59 amended 11-30-59.	11-13-58 amended 12-24-58; assigned to Pan American 4-16-59, amended 7-20-59.	Highland Field, Beaver County, Okla.	21
G-18748	Sinclair Oil & Gas Co.	6-9-59	3-26-59	Leases in Beaver and Ellis Counties, Oklahoma and Lipscomb and Ochiltree Counties, Tex.	21

Notice of El Paso's application filed on February 16, 1959, in Docket No. G-17849 and Northern Natural Gas Company's (Northern) application filed on March 19, 1959, in Docket No. G-18110 was given in the Commission's order issued March 26, 1959, in the consolidated proceeding In the Matters of Northern Natural Gas Company, et al., Docket Nos. G-17485, et al., and published in the FEDERAL REGISTER on April 4, 1959 (24 F.R. 2628). By order issued April 16, 1959, in the proceeding in Docket Nos. G-17485, et al., and published in the FEDERAL REGISTER on April 23, 1959 (24 F.R. 3168), the Commission granted El Paso's petition to sever its application in Docket No. G-17849 and Northern's petition to sever its application in Docket No. G-18110 from the consolidated proceeding in Docket Nos. G-17485, et al., upon El Paso's assurances that it could provide a total of up to 475,000 Mcf of transportation-exchange gas for Northern's expansion proposals in Docket Nos. G-17485 and G-17486 without relying upon the gas which El Paso proposes to purchase from the producers involved herein.

El Paso proposes in Docket No. G-17849 to construct and operate facilities, estimated to cost about $2,530,000, to transport and deliver into Northern's main line gas in quantities of up to 25,000 Mcf per day, such facilities to be financed out of current working funds or short-term bank loans. Northern proposes in Docket No. G-18110 to construct and operate an interconnection in Beaver County, Oklahoma, between its main system and El Paso's above-mentioned facilities to receive the gas which El Paso proposes to deliver. The estimated cost of Northern's proposed facilities is $8,600 which Northern expects to supply from funds on hand.

In Opinion No. 324, issued July 31, 1959, in Docket Nos. G-17485, et al., 22 F.P.C. 164, Northern, El Paso and Permian Basin Pipeline Company (Permian) were authorized to transport and exchange a total volume of up to 475,000 Mcf of gas per day. Under El Paso's and Northern's transportation-exchange agreement, El Paso is authorized to ac-

[1] Original application in Docket No. G-17842 was filed by Magnolia Petroleum Company but a "Motion to Substitute Party", filed September 21, 1959, stated that on or about October 1, 1959, Magnolia Petroleum Company would merge with Socony Mobil Oil Company, Inc., and requested that the name of Socony Mobil Oil Company, Inc., be substituted for Magnolia Petroleum Company in the application in Docket No. G-17842.

cept up to 475,000 Mcf of gas per day from Permian at El Paso's Plains compressor station in Yoakum County, Texas, and transport and deliver a like quantity of gas to Northern at El Paso's Dumas compressor station in Moore County, Texas. Under the operations contemplated by El Paso and Northern in their respective applications herein, El Paso may substitute by delivery to Northern in Beaver County, Oklahoma, a quantity of approximately 25,000 Mcf of gas per day in lieu of delivering, under present operations, a like quantity of gas to Northern at Dumas. At such times as El Paso might exercise its option to deliver up to 25,000 Mcf per day directly into Northern's main line in Beaver County, El Paso would be obligated on those occasions to deliver to Northern at Dumas only 450,000 Mcf of the presently-certificated quantity of 475,000 Mcf. In consideration of Northern's accommodating El Paso in this manner, El Paso has verbally agreed that deliveries made to Northern in Beaver County will be made in exchange without the usual 2-cent charge per Mcf made for gas delivered to Northern at Dumas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the National Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 19, 1960, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 15, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11172; Filed, Dec. 31, 1959; 8:46 a.m.]

[Docket No. G-18512]

SOUTHERN NATURAL GAS CO.

Notice Postponing Date of Hearing

DECEMBER 28, 1959.

This proceeding concerns certain revised tariff sheets to its FPC Gas Tariff, Fifth Revised Volume No. 1, as tendered for filing by Southern Natural Gas Company (Southern) on April 13, 1959. By notice duly issued herein on November 12, 1959, pursuant to order of the Commission issued herein May 15, 1959, a public hearing was fixed to commence on January 12, 1960.

Take notice that the commencement of the public hearing on January 12, 1960, in this proceeding is postponed to a later date to be fixed by further notice of the Commission's Secretary.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11173; Filed, Dec. 31, 1959; 8:46 a.m.]

[Docket No. G-20390 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order Providing for Hearings and Suspending Proposed Changes in Rates [1]

DECEMBER 18, 1959.

In the matters of Amerada Petroleum Corporation, Docket No. G-20390; Amerada Petroleum Corporation et al., Docket No. G-20391; Amerada Petroleum Corporation (Operator), et al., Docket No. G-20392; Cities Service Oil Company, Docket No. G-20393; Cities Service Oil Company (Operator) et al., Docket No. G-20394; Cities Service Oil Company (Operator), Docket No. G-20395; Cities Service Production Company (Operator) et al., Docket No. G-20396; Dalport Oil Corporation et al., Docket No. G-20397; Dalport Oil Corporation (Operator) et al., Docket No. G-20398; Gulf Oil Corporation (Operator) et al., Docket No. G-20399; Gulf Oil Corporation, Docket No. G-20400; Peerless Oil & Gas Company, Docket No. G-20401; Blanco Oil Company et al., Docket No. G-20402; Phillips Petroleum Company (Operator) et al., Docket No. G-20403; Phillips Petroleum Company (Operator), Docket No. G-20404; Phillips Petroleum Company, Docket No. G-20405; Socony Mobil Oil Corporation (Operator) et al., Docket No. G-20406; Socony Mobil Oil Company, Inc., Docket No. G-20407; Socony Mobil Oil Company, Inc. (Operator), Docket No. G-20408; Warren Petroleum Corporation (Operator), Docket No. G-20409; Warren Petroleum Corporation, Docket No. G-20410; Western Petroleum Company, Docket No. G-20411; Santa Rosa Gas Company (Operator), Docket No. G-20412; Spartan Drilling Company et al., Docket No. G-20413; Hamilton Dome Oil Company, Ltd., Docket No. G-20414; W. L. Todd, Jr. et al., Docket No. G-20415; Wayne Moore et al., Docket No. G-20416; Pecos Petroleum Company (Operator), Docket No. G-20417; Barnhart Hydrocarbon Corporation, Docket No. G-20418; W. M. Lyle et al., Docket No. G-20419; Texas Gas Products Corporation (Operator) et al., Docket No. G-20420; Texas Hydrocarbon Company, Docket No. G-20421.

The above-named Respondents have tendered for filing proposed changes in presently effective rates schedules for the jurisdictional sales of natural gas to El Paso Natural Gas Company from the Permian Basin area of New Mexico and Texas. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Producing area	Notice of change dated—	Date tendered	Effective date [2] unless suspended	Rate suspended until—	Cents Per Mcf	
									Rate in effect	Proposed increased rate
G-20390	Amerada Petroleum Corp.	1	22	Eumont and Jalmat Fields, Lea County, N. Mex.	11-24-59	11-30-59	1- 1-60	6- 1-60	[3] 10.92975	[4] 15.5
		31	7	Jalmat Field, Lea County, N. Mex	11-20-59	11-30-59	1- 1-60	6- 1-60	[5] 10.92975	[4] 15.5
		4	10	Spraberry Field, Reagan and Upton Counties, Tex.	11-20-59	11-30-59	1- 1-60	6- 1-60	[6] 13.3479	[7] 17.1632
		62	5	Bagley Field, Lea County, N. Mex	11-16-59	11-30-59	1- 1-60	6- 1-60	[3] 10.92975	[8] 15.5
		55	4	Eumont Field, Lea County, N. Mex	11-25-59	11-30-59	1- 1-60	6- 1-60	[9] 10.5	[8] 15.5
		56	9	do	11-27-59	11-30-59	1- 1-60	6- 1-60	[9] 10.5	[8] 15.5
		69	2	Bagley Field, Lea County, N. Mex	11-18-59	11-30-59	1- 1-60	6- 1-60	[10] 10.5	[8] 15.5
		72	3	do	11-17-59	11-30-59	1- 1-60	6- 1-60	[10] 10.5	[8] 15.5
G-20391	Amerada Petroleum Corp. et al.	27	4	do	11-23-59	11-30-59	1- 1-60	6- 1-60	[11] 10.92975	[4] 15.5
G-20392	Amerada Petroleum Corp. (operator) et al.	57	6	Jalmat Field, Lea County, N. Mex	11-21-59	11-30-59	1- 1-60	6- 1-60	[12] 10.92975	[8] 15.5
G-20393	Cities Service Oil Co.	18	13	Lea County, N. Mex	11-23-59	11-27-59	1- 1-60	6- 1-60	[13] 10.5	[14] 15.5599
		20	6	do	11-23-59	11-27-59	1- 1-60	6- 1-60	[13] 10.5406	[14] 15.5599
		21	7	do	11-23-59	11-27-59	1- 1-60	6- 1-60	[13] 10.5406	[14] 15.5599
		22	5	do	11-23-59	11-27-59	1- 1-60	6- 1-60	[13] 10.5406	[14] 15.5599
		23	5	do	11-23-59	11-27-59	1- 1-60	6- 1-60	[13] 10.5406	[14] 15.5599
		24	7	do	11-23-59	11-27-59	1- 1-60	6- 1-60	[13] 10.5406	[14] 15.5599
		25	1	do	11-23-59	11-27-59	1- 1-60	6- 1-60	9.5	[14] 15.5599
		26	3	do	11-23-59	11-27-59	1- 1-60	6- 1-60	[15] 10.50118	[14] 15.5599
		52	6	N. W. Wheeler Field, Winkler County, Tex.	11-23-59	11-27-59	1- 1-60	6- 1-60	[17] 10.0960	15.2025
		27	4	Lea County, N. Mex	11-23-59	11-27-59	1- 1-60	6- 1-60	[3] [16] 10.5406	[13] 15.5599
		28	3	do	11-23-59	11-27-59	1- 1-60	6- 1-60	[3] [20] 10.5406	[13] 15.5599
		31	1	do	11-23-59	11-27-59	1- 1-60	6- 1-60	9.5	[3] [13] 15.5599
		43	7	Dollarhide Field, Andrews County, Tex.	11-23-59	11-27-59	1- 1-60	6- 1-60	[21] 11.07425	17.1148
		135	4	Lee County, Tex	11-23-59	11-27-59	1- 1-60	6- 1-60	[3] [13] 10.5	[13] 15.5599

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Producing area	Notice of change dated—	Date tendered	Effective date [2] unless suspended	Rate suspended until—	Cents Per Mcf	
									Rate in effect	Proposed increased rate
G-20394	Cities Service Oil Co. (Operator) et al.	19	7	Lea County, N. Mex.	11-23-59	11-27-59	1-1-60	6-1-60	[16] 10.5406	[22] 15.5599
		51	13	Clara Couch and Noelke Fields, Crockett County, Tex.	11-23-59	11-27-59	1-1-60	6-1-60	[22] 10.6008	15.7093
		51	14	do	11-23-59	11-27-59	1-1-60	6-1-60	9.5912	14.6958
G-20395	Cities Service Oil Co. (Operator).	105	6	Cochran County, Tex.	11-23-59	11-27-59	1-1-60	6-1-60	[24] 11.0528	17.1148
G-20396	Cities Service Production Co. (Operator) et al.	3	12	Payton Field, Pecos and Ward Counties, Tex.	11-23-59	11-27-59	1-1-60	6-1-60	[25] 11.1056	[26] 15.7093
G-20397	Dalport Oil Corp. et al.	1	6	Lea County, N. Mex.	11-30-59	12-2-59	1-1-60	6-1-60	[27] 10.5326	[23] 15.5599
		4	4	do	11-30-59	12-2-59	1-1-60	6-1-60	[27] 10.5326	[28] 15.5599
		5	3	do	11-30-59	12-2-59	1-1-60	6-1-60	[27] 10.5326	[23] 15.5599
		6	3	do	11-30-59	12-2-59	1-1-60	6-1-60	[27] 10.5326	[28] 15.5579
		7	2	do	11-30-59	12-2-59	1-1-60	6-1-60	[29] 10.5326	[28] 15.5579
		9	4	do	11-30-59	12-2-59	1-1-60	6-1-60	[27] 10.5326	[28] 15.5579
		10	2	do	11-30-59	12-2-59	1-1-60	6-1-60	[27] 10.5326	[29] 15.5599
		11	2	do	11-30-59	12-2-59	1-1-60	6-1-60	[30] 10.5326	[28] 15.5599
G-20398	Dalport Oil Co. (Operator) et al.	2	2	do	11-30-59	12-2-59	1-1-60	6-1-60	[31] 10.5326	[28] 15.5579
		8	2	do	11-30-59	12-2-59	1-1-60	6-1-60	[32] 10.5326	[28] 15.5579
G-20399	Gulf Oil Corporation (Operator) et al.	120	7	Spraberry Field, Reagan County, Tex.	Undated	11-30-59	1-1-60	6-1-60	[33] 11.6154	17.2295
G-20400	Gulf Oil Corporation	146	1	Ellenburger Field, Andrews County, Tex.	do	11-30-59	1-1-60	6-1-60	8.108	13.6823
		16	10	Blinebry, Eumont and Jalmat Fields, Lea County, N. Mex.	do	11-30-59	1-1-60	6-1-60	[34] 10.5	[35] 15.5
		56	2	Crosby Devonian Field, Lea County, N. Mex.	do	11-30-59	1-1-60	6-1-60	10.5	[35] 15.5
		118	6	S. Eunice and Langlie Mattix Fields, Lea County, N. Mex.	do	11-30-59	1-1-60	6-1-60	[36] 10.5	[35] 15.5
		143	1	Bagley Field, Lea County, N. Mex.	do	11-30-59	1-1-60	6-1-60	10.5	15.5
		144	1	Justis Field, Lea County, N. Mex.	do	11-30-59	1-1-60	6-1-60	10.5	15.5
		8	7	Keystone Ellenburger Field, Winkler County, Tex.	do	11-30-59	1-1-60	6-1-60	10.09	15.135
		9	6	Sweetie Peck Field, Midland County, Tex.	do	11-30-59	1-1-60	6-1-60	11.0734	[37] 17.1843
		12	7	Jack Herbert Field, Lipton County, Tex.	do	11-30-59	1-1-60	6-1-60	[38] 10.6008	15.7093
		13	6	Keystone Waddem and McKee Fields, Winkler County, Tex.	do	11-30-59	1-1-60	6-1-60	[38] 10.6008	15.7093
		55	3	Jack Herbert Fields, et al., Lipton County, Tex.	do	11-30-59	1-1-60	6-1-60	8.108	13.6823
		65	7	Spraberry Field, Glasscock County, Tex.	do	11-30-59	1-1-60	6-1-60	[39] 11.1056	17.2295
G-20401	Peerless Oil & Gas Co.	16	3	Pecos Valley Field, Pecos County, Tex.	do	11-19-59	1-1-60	6-1-60	[40] 10.5	15.5
		18	5	Eumont Field, Lea County, N. Mex.	do	11-19-59	1-1-60	6-1-60	[40 41] 10.5	15.5
		10	2	Langmat Field, Lea County, N. Mex.	do	11-30-59	1-1-60	6-1-60	9.50107	15.50174
		12	3	do	do	11-30-59	1-1-60	6-1-60	9.50107	15.50174
		19	2	Noelke Field, Crockett County, Tex.	do	11-30-59	1-1-60	6-1-60	9.5	14.69575
		3	10	Clara Couch Field, Crockett County, Tex.	do	11-19-59	1-1-60	6-1-60	[41 42] 10.6008	15.6488
		4	9	Payton Devonian Field, Ward and Pecos Counties, Tex.	do	11-19-59	1-1-60	6-1-60	[41 42] 11.1056	15.6488
		6	7	Langmat Field, Lea County, N. Mex.	do	11-19-59	1-1-60	6-1-60	[41 42] 10.5012	[8] 15.5017
		7	4	do	do	11-19-59	1-1-60	6-1-60	[40 41 42] 10.5012	[8] 15.5017
		8	4	do	do	11-19-59	1-1-60	6-1-60	[40 41 42] 10.5012	[8] 15.5017
		11	6	do	do	11-19-59	1-1-60	6-1-60	[40 41 42] 10.5012	15.5017
		13	7	do	do	11-19-59	1-1-60	6-1-60	[40 41 42] 10.5012	15.5017
G-20402	Blanco Oil Company, et al.	6	1	Ingham Field, Crockett County, Tex.	11-27-59	12-1-59	1-1-60	6-1-60	10.5	15.5
G-20403	Phillips Petroleum Co. (Operator) et al.	32	24	Goldsmith, Fullerton, Dumas and Eunice Plants, Ector, Andrews and Moore Counties, Tex., and Lea County, N. Mex.	11-27-59	12-1-59	1-2-60	6-2-60	[43] * 11.57838 [43] ** 15.27233 [43] *** 11.48108	[44] 13.61547 [44] 19.76325 [44] 13.53302
		65	8	Jal Field, Lea County, N. Mex.	11-27-59	12-1-59	1-1-60	6-1-60	10.5	[40] 15.55983
		33	11	Goldsmith, Fullerton and Eunice Plants, Ector and Andrews Counties, Tex.	11-27-59	12-1-59	1-2-60	6-2-60	[47] 11.57838	13.61547
		40	7	Winkler County, Tex.	11-27-59	12-1-59	1-1-60	6-1-60	10.096	15.2025
		256	4	Reagan County, Tex.	11-27-59	12-1-59	1-1-60	6-1-60	[45] 41.17237	17.2295
		274	2	Crosby-Devonian Field, Lea County, N. Mex.	11-27-59	12-1-59	1-1-60	6-1-60	10.5	[40] 15.55983
G-20404	Phillips Petroleum Co., (Operator).	243	12	Hobbs and Lee Plants, Lea County, N. Mex.	11-27-59	12-1-59	1-2-60	6-2-60	[‡ 45] 11.48108 [‡ 45] 12.19864	13.53302 14.03430
		64	11	Eunice Plant, Lea County, N. Mex.	11-27-59	12-1-59	1-2-60	6-2-60	[45] 11.48108	13.53302
		7	9	Goldsmith Plant, Ector County, Tex.	11-27-59	12-1-59	1-2-60	6-2 60	[45] 11.57838	13.61547
		9	16	Crane Plant, Crane County, Tex.	11-27-59	12-1-59	1-2-60	6-2-60	[45] 11.21635	13.36322
G-20405	Phillips Petroleum Co.	66	5	Denton Plant, Lea County, N. Mex.	11-27-59	12-1-59	1-1-60	6-1-60	[50] 13.98357	17.04365
		151	5	Lea County, N. Mex.	11-27-59	12-1-59	1-1-60	6-1-60	10.5	[40] 15.55983
		47	4	Herbert-Penn. Field, Upton County, Tex.	11-27-59	12-1-59	1-1-60	6-1-60	10.6008	15.70925
		260	2	Crockett County, Tex.	11-27-59	12-1-59	1-1-60	6-1-60	9.5	14.69575
		338	1	South Four Lakes Field, Lea County, N. Mex.	11-27-59	12-1-59	1-1-60	6-1-60	11.0	17.06566
		315	1	Reagan County, Tex.	11-27-59	12-1-59	1-1-60	6-1-60	11.0	17.2295
		10	14	Keystone Plant, Winkler Co., Tex.	11-27-59	12-1-59	1-1-60	6-1-60	[53] 11.53210	[51] 17.12863
G-20406	Socony Mobil Oil Co., Inc. (Operator) et al.	[52] 104	10	Jack Herbert, Amacker Tippett and King Mountain Fields, Upton County, Tex.	11-25-59	11-27-59	1-1-60	6-1-60	8.95885	13.68225
		20	11	Spraberry Trend and Benedum Fields, Upton, Glasscock and Midland Counties, Tex.	11-25-59	11-27-59	1-1-60	6-1-60	[54] 12.88395	17.2295
		[52] 144	6	King Mountain, Amacker Tippett and Jack Herbert Fields, Upton County, Tex.	11-25-59	11-27-59	1-1-60	6-1-60	[54] 12.24333	15.70925
G-20407	Socony Mobil Oil Co., Inc.	[52] 131	2	Wilshire Field, Upton County, Tex.	11-25-59	11-27-59	1-1-60	6-1-60	8.108	13.68225
		133	3	Spraberry Trend Field, Upton County, Tex.	11-25-59	11-27-59	1-1-60	6-1-60	11.00	17.2295
		76	7	Denton Field, Lea County, N. Mex.	11-25-59	11-27-59	1-1-60	6-1-60	[56] 12.73688	17.04365
		90	5	Langlie Mattix Field, Lea County, N. Mex.	11-25-59	11-27-59	1-1-60	6-1-60	[57] 10.50118	15.55987

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Producing area	Notice of change dated—	Date tendered	Effective date [2] unless suspended	Rate suspended until—	Cents Per Mcf: Rate in effect	Cents Per Mcf: Proposed increased rate
G-20407	Socony Mobil Oil Co., Inc.—Continued	175	2	Spraberry Trend Field, Upton County, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	11.00	17.2295
		86	6	Cooper Jal Field, Lea County, N. Mex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[58] 10.5	[3] 15.55987
		92	5	Cooper Jal Field, Lea County, N. Mex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[58] 10.5	[3] 15.55987
		[59] 19	4	Amacker Tippett and Jack Herbert Fields, Upton County, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[59] 10.50	15.70925
		101	10	Levelland Field, Cochran and Hockley Counties, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[60] 12.79814	17.11475
		102	9	Slaughter Field, Cochran, Terry and Hockley Counties, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[60] 12.79814	17.11475
		103	10	Dollarhide Field, Andrews County, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[60] 12.79814	17.11475
		119	4	Spraberry Field, Upton County, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[60] 12.88395	17.2295
G-20408	Socony Mobil Oil Co., Inc. (Operator).	48	5	Pegasus Field, Midland and Upton Counties, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[61] 12.88395	17.2295
		26	9	Kermit Field, Winkler County, Tex.	11-25-59	11-27-59	1- 1-60	6- 1-60	[60] 11.62876	16.1080
G-20409	Warren Petroleum Corp. (Operator).	28	7	Lea County, N. Mex.	11-25-59	11-30-59	1- 1-60	6- 1-60	[62] 11.4835	14.0
		30	5	do	11-25-59	11-30-59	1- 1-60	6- 1-60	[63] 13.9835	17.0
		44	5	do	11-25-59	11-30-59	1- 1-60	6- 1-60	[64] 13.9835	17.0
		43	11	Crane County, Tex.	11-25-59	11-30-59	1- 1-60	6- 1-60	[63] 14.0470	17.1097
G-20410	Warren Petroleum Corp.	45	5	Lea County, N. Mex.	11-25-59	11-30-59	1- 1-60	6- 1-60	[65] 13.9835	17.0
		22	9	Cochran, Hockley and Terry Counties, Tex.	11-25-59	11-30-59	1- 1-60	6- 1-60	[66] 14.0610	17.0979
		42	11	Andrews County, Tex.	11-25-59	11-30-59	1- 1-60	6- 1-60	[63] 14.0603	17.0934
G-20411	Western Petroleum Co.	2	9	Langlie-Mattix Field, Lea County, N. Mex.	11-25-59	11-27-59	1- 1-60	6- 1-60	10.5	[3] 15.5
G-20412	Santa Rosa Gas Co. (Operator).	1	5	Fort Stockton Field, Pecos County, Tex.	Undated	11-27-59	1- 1-60	6- 1-60	[67] 13.3888	17.0807
G-20413	Spartan Drilling Co. et al.	5	2	Pecos Valley Field, Pecos County, Tex.	11-24-59	11-30-59	1- 1-60	6- 1-60	[68] 9.5	15.70925
		2	6	Pegasus Field, Midland and Upton Counties, Tex.	11-24-59	11-30-59	1- 1-60	6- 1-60	[69] 10.096	17.1632
G-20414	Hamilton Dome Oil Co., Ltd.	2	6	Lea County, N. Mex.	11-24-59	11-30-59	1- 1-60	6- 1-60	10.5	[3] 15.5
G-20415	W. L. Todd, Jr. et al.	1	2	do	11-30-59	11-30-59	1- 1-60	6- 1-60	[70] 10.5	15.5
G-20416	Wayne Moore et al.	2	1	N. Heiner Field, Pecos County, Tex.	11-27-59	11-30-59	[3] 1- 1-60	6- 1-60	9.5	15.70925
G-20417	Pecos Petroleum Co. (Operator).	1	8	Tunstill Gas Plant, Reeves County, Tex.	11-27-59	12- 1-59	[3] 1- 1-60	6- 1-60	9.0	14.69575
G-20418	Barnhart Hydrocarbon Corp.	1	5	Barnhart Gas Plant, Reagan County, Tex.	12- 2-59	12- 3-59	[3] 1- 3-60	6- 3-60	[71] 13.9836	17.2295
G-20419	W. M. Lyle et al.	1	1	Allison Field, Sutton County, Tex.	11-20-59	12- 2-59	[72] 1- 2-60	6- 2-60	10.5	15.7093
G-20420	Texas Gas Products Corp. (Operator) et al.	1	12	Benedum Gas Plant, Pembrook Compressor Station, Upton County, Tex., and Weiner Floyd Compressor Station, Glasscock County, Tex.	11-30-59	12- 4-59	[73] 1- 4-60	6- 4-60	[73] 13.9836	17.0
G-20421	Texas Hydrocarbon Co.	1	5	Perkins Gas Plant, Coke County, Tex.	12- 2-59	12- 4-59	[73] 1- 4-60	6- 4-60	[74] 13.9836	17.0

[2] The stated effective date is the effective date proposed by Respondent.
[3] Rate in effect subject to refund in Docket No. G-16117. Rate increase to 13.34802 cents per Mcf suspended in Docket No. G-19488 until 3-1-60.
[4] Subject to 0.4467 cent per Mcf deduction for low pressure gas.
[5] Rate in effect subject to refund in Docket No. G-16117. Rate increase to 13.34802 cents per Mcf suspended in Docket No. G-19577 until 3-9-60.
[6] Rate in effect subject to refund in Docket No. G-16256. Rate increase to 11.0 cents per Mcf suspended and is in effect subject to refund in Docket No. G-13897.
[7] Renegotiated increase plus proportionate increase in Texas Occupation Tax at the 7 percent level.
[8] Subject to 0.4467 cent per Mcf reduction for compression, deducted by buyer.
[9] Prior increase to 13.34802 cents per Mcf suspended in Docket No. G-19577 until 3-9-60.
[10] Rate in effect subject to refund in Docket No. G-16117.
[11] Rate in effect subject to refund in Docket No. G-16118. Rate increase to 13.34802 cents per Mcf suspended in Docket No. G-19489 until 3-1-60.
[12] Rate in effect subject to refund in Docket No. G-16119. Rate increase to 13.34802 cents per Mcf suspended in Docket No. G-19490 until 3-1-60.
[13] Rate in effect subject to refund in Docket No. G-13913. Rate increase of 13.3495 cents per Mcf was suspended in Docket Nos. G-19433 or G-19434 until 2-25-60 (producer requests substitution).
[14] Subject to 0.4467 cent per Mcf plus applicable tax reimbursement deduction for low pressure gas.
[15] Rate in effect subject to refund in Docket No. G-14079. Rate increase of 13.3495 cents per Mcf was suspended in Docket Nos. G-19433 or G-19434 until 2-25-60 (producer requests substitution).
[16] Rate in effect subject to refund in Docket No. G-13979. Rate increase of 13.3495 cents per Mcf was suspended in Docket Nos. G-19433 or G-19434 until 2-25-60 (producer requests substitution).
[17] Subsequent rate of 12.8343 cents per Mcf suspended in Docket No. G-19433 until 2-25-60. Producer requests substitution.
[18] Does not include seller's liquid products value.
[19] Rate in effect subject to refund in Docket No. G-13979. Subsequent rate of 13.34802 cents per Mcf suspended in Docket No. G-19433 until 2-25-60 (producer requests substitution).
[20] Rate in effect subject to refund in Docket No. G-14079. Subsequent rate of 13.34802 cents per Mcf suspended in Docket No. G-19433 until 2-25-60 (producer requests substitution).
[21] Rate in effect subject to refund in Docket No. G-14885. Prior increase to 11.5827 cents per Mcf suspended and is in effect subject to refund in Docket No. G-13031.
[22] Subject to 0.4467 cent per Mcf plus applicable tax reimbursement deduction for low pressure gas.
[23] Rate in effect subject to refund in Docket No. G-14886. Prior increase to 11.03468 cents per Mcf suspended and is in effect subject to refund in Docket No. G-12983.
[24] Rate in effect subject to refund in Docket No. G-14104.
[25] Rate in effect subject to refund in Docket No. G-14097. Subsequent rate of 14.1178 cents per Mcf suspended in Docket No. G-19477 until 2-25-60 (producer requests substitution).
[26] Does not include seller's liquid products value. Subject to 0.5 cents per Mcf reduction for compression, deducted by buyer.
[27] Rate in effect subject to refund in Docket No. G-13914.
[28] Subject to 0.4467 cent per Mcf compression charge for gas below 600 psia.
[29] Rate in effect subject to refund in Docket No. G-13902.
[30] Rate in effect subject to refund in Docket No. G-13904.
[31] Rate in effect subject to refund in Docket No. G-13903.
[32] Rate in effect subject to refund in Docket No. G-13915.
[33] Rate in effect subject to refund in Docket No. G-13100.
[34] Rate in effect subject to refund in Docket No. G-14092.
[35] Includes a 0.4467 cent per Mcf deduction for compression if gas is below pressure in buyer's high-pressure gathering system.
[36] Rate in effect subject to refund in Docket No. G-14929.
[37] Includes 3.3499 cents per Mcf for gathering, compression, treating and dehydration deducted by buyer.
[38] Rate in effect subject to refund in Docket No. G-13983.
[39] Rate in effect subject to refund in Docket No. G-13984.
[40] Peerless proposes to amend rate of 16.0 cents per Mcf suspended in Docket No. G-18701, which has not been made effective, to 15.5 cents per Mcf. Present rate in effect subject to refund in Docket No. G-13998.
[41] Present rate in effect subject to refund in Docket No. G-14087.
[42] Peerless proposes to amend rate of 16.0 cents per Mcf suspended in Docket No. G-18764, which has not been made effective, to 15.5 cents per Mcf.
[43] Rate of 16.0 cents per Mcf suspended in Docket No. G-18701 until 11-18-59, but no motion filed to date to place suspended rate in effect.
[44] Subject to 1.75 cents per Mcf compression charge.
[45] Rate in effect (as of 1-1-60) subject to refund in Docket No. G-18417. Prior increase in effect subject to refund in Docket No. G-14115.
*Fullerton and Goldsmith Plants.
**Dumas Plant, Moore County, Tex.
***Eunice Plant, Lea County, N. Mex.
[46] Subject to 0.4581 cent per Mcf deduction for low pressure gas.
[47] Rate in effect (as of 1-1-60) subject to refund in Docket No. G-18418. Prior increases subject to refund in Docket Nos. 14115 and G-1148.
[48] Rates in effect subject to refund in Docket Nos. G-18206, G-15314 and G-14006.
[49] Subject to 0.4467 cent per Mcf and applicable to tax reimbursement deduction for low pressure gas.
†Hobbs Plant.
††Lee Plant.
[50] Rates in effect subject to refund in Docket Nos. G-15315, G-14007 and G-18215.
[51] Subject to 1.0 cent per Mcf reduction in base price for gas unable to meet quality specifications of basic contract as amended.
[52] Rates in effect subject to refund in Docket Nos. G-13734 and G-18215.
[53] Hunt Oil Company is also a purchaser.
[54] Rate in effect subject to refund in Docket No. G-13990.
[55] Rate in effect subject to refund in Docket No. G-15995.
[56] Rates in effect subject to refund in Docket Nos. G-13030 and G-15449.
[57] Rate in effect subject to refund in Docket No. G-15449.
[58] Rate in effect subject to refund in Docket No. G-14268.
[59] Rate in effect subject to refund in Docket No. G-13990.
[60] Rates in effect subject to refund in Docket Nos. G-12982 and G-15449.
[61] Rate in effect subject to refund in Docket No. G-15449.
[62] Rates in effect subject to refund in Docket Nos. G-15304 and G-18517.
[63] Rates in effect subject to refund in Docket Nos. G-15310 and G-18471.
[64] Rate in effect subject to refund in Docket No. G-18467.
[65] Rates in effect subject to refund in Docket Nos. G-15311 and G-18560.
[66] Rates in effect subject to refund in Docket Nos. G-12842, G-16114 and G-18560.
[67] Rate in effect subject to refund in Docket No. G-17165.
[68] Rate of 10.5 cents per Mcf is suspended in Docket No. G-13663 until 6-1-58, but was never made effective. Seller requests that Supplement No. 1 be withdrawn.
[69] Rate of 11.1056 cents per Mcf is suspended in Docket No. G-13770 until 6-1-58, but was never made effective. Seller requests that Supplement No. 5 be withdrawn.
[70] Rate in effect subject to refund in Docket No. G-13898.
[71] Rates in effect subject to refund in Docket Nos. G-13918 and G-16417.
[72] The effective date is the first day after expiration of the required 30 days' notice.
[73] Rates in effect subject to refund in Docket Nos. G-16888 and G-18952.
[74] Rates in effect subject to refund in Docket Nos. G-16889 and G-18951.

Pressure base is 14.65 psia in each filing listed herein.

In support of their proposed renegotiated rate increases, the producers state as follows: Cities Service Oil Company, W. L. Todd and the Dalport Oil Corporation state that the increased rate is not unreasonable and, is in fact, less than the going price in the area. Amerada Petroleum Corporation cites arm's length bargaining and the loss of protection of the favored-nation provision in its contract. Gulf Oil Corporation states that the increased price is necessary to offset Gulf Oil's increased expenses of operation and will provide added incentive for further exploration and development. Gulf Oil also refers to cost data submitted in Docket No. G-9520, et al. Peerless Oil & Gas Company states renegotiation will put an end to the controversies regarding the rate Peerless is paid for gas under its El Paso Natural Gas Company (El Paso) contracts and will also eliminate the expense and conserve the time that is consumed in numerous rate filings. Phillips Petroleum Company states that the renegotiations will stabilize El Paso's gas purchase prices and allow Phillips a more competitive and realistic price for its gas.

Socony Mobil Oil Company, Inc., in support of its proposed rate change, states that the increased rate is necessary because its revenue requirements have increased correlatively with the rise in the cost of doing business; also, to make the business of exploration, discovery, development and production of natural gas sufficiently attractive to induce the investment of large amounts of risk capital necessary to such enterprise. Warren Petroleum Corporation states that its proposed increased rate is below the going market price for new supplies of gas under like conditions in the Permian Basin area, but that it will provide a worthwhile incentive for Warren to extend its gathering lines and maintain or increase the raw gas reserves available to El Paso.

Santa Rosa Gas Company states that its increased rate is necessary if it is to be able to make renewals and obtain new gas purchase contracts with producers so as to fulfill its volume commitments to El Paso during the extended term of the basic contract. In support of its increased rate, Western Petroleum Company states that such rate will eliminate the chaotic conditions now existing in the Permian Basin insofar as prices paid for natural gas are concerned and will stabilize the prices paid by El Paso for gas in the area. Spartan Drilling Company states that the Commission has often indicated its approval of efforts to remove "favored-nation" clauses from producers' contracts, thus relieving rate case expense and bring about stability of gas costs.

Hamilton Dome Oil Company states that the increased rate would eliminate the "favored-nation" clause, stabilize gas prices in the area and would permit Hamilton Dome to receive the price generally being paid. Pecos Petroleum Company states that the increased rate will allow El Paso to stabilize prices paid and enable Pecos to meet its growing competition for the acquisition of casinghead gas in the Permian Basin area. Barnhart Hydrocarbon Corporation states that the increased rate will afford El Paso a commitment of residue gas for a longer period and provide increased volumes of new casinghead gas; also will enable Barnhart to collect a more equitable rate which will compensate for the increased costs of development and producing casinghead gas. The filings of most of the producers include statements setting forth that the increased rate resulted from arm's-length bargaining and the elimination of the "favored-nation" provisions of the contract. They also state that the proposed increased rate is generally below the going rate paid in the Permian Basin area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-11094; Filed, Dec. 31, 1959; 8:45 a.m.]

[Docket No. G-20338 etc.]

GULF OIL CORP. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

DECEMBER 18, 1959.

In the matters of Gulf Oil Corporation, Docket No. G-20338; Phillips Petroleum Company, Docket No. G-20339; H. L. Hunt (Operator), et al., Docket No. G-20340; Continental Oil Company (Operator) et al., Docket No. G-20341; J. P. Krenitsky, et al., d/b/a Krennerman Oil & Gas Co., Docket No. G-20342; Socony Mobil Oil Co., Inc. (Operator) et al., Docket No. G-20343; Socony Mobil Oil Co., Inc., Docket No. G-20344; Champlin Oil & Refining Co. (Operator) et al., Docket No. G-20345; The California Company, Docket No. G-20346; The Superior Oil Company, Docket No. G-20347.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, as herein designated, and the pertinent data related thereto, are tabulated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate No.	Schedule supplement No.	Purchaser and purchasing area	Notice of change dated—	Date tendered	Effective date unless suspended	Supplement suspended until—	Rate in effect per Mcf	Proposed increase rate per Mcf	Psia	Rate in effect subject to refund in docket
G-20338	Gulf Oil Corp.	53	1	Cities Service	Undated	11-23-59	12-24-59	5-24-60	12.0	13.0	14.65	
		45	9	Rhodes Field, Barber County, Kans.	do	11-23-59	12-24-59	5-24-60	12.0	13.0	14.65	
		137	1	Cities Service-N. Medicine Lodge Field, Barber County, Kans.	do	11-23-59	12-24-59	5-24-60	12.0	13.0	14.65	
G-20339	Phillips Petroleum Co.	257	6	Natural Gas P/L Texas County, Okla.	11-20-59	11-23-59	1-23-60	6-23-60	16.6	16.8	14.65	G-17429
		298	6		11-20-59	11-23-59	1-23-60	6-23-60	16.6	16.8	14.65	G-17429
		321	1	Cities Service-Barber County, Kans.	11-17-59	11-19-59	12-23-59	5-23-60	12.0	13.0	14.65	
G-20340	H. L. Hunt (Operator) et al.	13	6	Trunkline-Clear Creek Field, Allen and Beauregard Parish, La.	Undated	11-23-59	1- 1-60	6-1 -60	18.1	18.3	15.025	G-17163
G-20341	Continental Oil Co. (Operator) et al.	148	2	Cities Service-Eureka Field, Alfalfa County, Okla.	11-20-59	11-23-59	1- 1-60	6- 1-60	[1] 12.0	[1] 13.0	14.65	

[1] Includes 0.75 cent per Mcf for dehydration deducted by buyer.

Docket No.	Respondent	Rate No.	Schedule supplement No.	Purchaser and purchasing area	Notice of change dated—	Date tendered	Effective date unless suspended	Supplement suspended until—	Rate in effect per Mcf	Proposed increase rate per Mcf	Psia	Rate in effect subject to refund in docket
G-20342	J. P. Krenitsky, et al., d/b/a Krennerman Oil & Gas Co.	1 1	2 3	Gas Transport, Inc., Jackson County, W. Va.	1- 3-55 11-18-59	9- 2-59 11-20-59	12-21-59 12-21-59	5-21-60 5-21-60	21.0	25.0	15.025	
G-20343	Socony Mobil Oil Co., Inc. (Operator) et al.	41	15	Trunkline-Clear Creek Field, Beauregard Parish, La.	11-19-59	11-20-59	1- 1-60	6- 1-60	18.1	18.3	15.025	G-17622
G-20344	Socony Mobil Oil Co., Inc.	52 162	8 5	Trunkline—San Calros Field, Hidalgo County, Tex. (R.R. Dist. 4).	11-19-59 11-19-59	11-20-59 11-20-59	1- 1-60 1- 1-60	6- 1-60 6- 1-60	11.1056 12.1152	[1] 14.6667 [4] 14.6667	14.65 14.65	
G-20345	Champlin Oil & Refining Co. (Operator) et al.	76	1	Cities Service—Davis Ranch Field, Barber County, Kans.	11-19-59	11-20-59	12-23-59	5-23-60	12.0	13.0	14.65	
G-20346	The California Co.	8	2	Southern—W. Black Bay Field, Plaquemine Parish, La.	11-18-59	11-20-59	12-21-59	5-21-60	20.75	22.0	15.025	
G-20347	The Superior Oil Co.	37 39 41	3 3 2	Lone Star, Katie Field, Garvin County, Okla. Lone Star, Roady Field, Garvin County, Okla.	11-18-59 11-18-59	11-19-59 11-19-59	12-20-59 12-20-59	5-20-60 5-20-60	11.0 11.0	16.8 16.8	14.65 14.65	G-14024 G-14024

[1] Includes 1.0 cent per Mcf for gathering and 0.25 cent per Mcf for dehydration deducted by buyer.
[4] Includes 0.25 cent per Mcf for dehydration deducted by buyer.

Abbreviations:
Cities Service—Cities Service Gas Company.
Natural Gas P/L—Natural Gas Pipeline Company of America.
West Lake—West Lake Natural Gasoline Company.
Trunkline—Trunkline Gas Company.
Southern—Southern Natural Gas Company.
Lone Star—Lone Star Gas Company.

Periodic type rate increases are proposed by Gulf (Rate Schedule Nos. 45, 53, and 137), Continental Oil (Rate Schedule No. 148), Champlin Oil & Refining (Rate Schedule No. 76), Phillips Petroleum (Rate Schedules Nos. 257, 298, and 321), Hunt (Rate Schedule No. 13), and Socony Mobil (Rate Schedule No. 41); favored-nation type increases by Superior Oil (Rate Schedule Nos. 37, 39, and 41); redetermined type increases by Socony Mobil (Rate Schedule Nos. 52 and 162), the California Company (Rate Schedule No. 8), and Krenitsky d/b/a Krennerman Oil and Gas (Rate Schedule No. 1).

In support of said increased rates, several of the Respondents state that the contracts and the prices therein were negotiated after arm's-length bargaining and that the prices therein are lower than prices reflected in more recently negotiated contracts. Krenitsky contends that the new price was agreed upon by the parties. Superior Oil states its proposed price is less than is currently being charged. The California Company adds that the added reserves make the gas under the contract more valuable. Champlin Oil and Refining and Hunt contend that the rates proposed are part of the initial rate. Phillips, the California Company and Brown state that their proposed prices are in line with area prices. Phillips adds that its prices will not trigger any favored-nations clauses contained in other producers' contracts. Hunt further avers that the increased prices are necessary to offset rising costs and declining production, that gas is sold under the installment plan, and that the prices should be determined by laws of supply and demand. Gulf requests that certain of its exhibits in the proceeding in Docket No. G-9520, which purport to show a 28.92 cents per Mcf cost-of-service for jurisdictional sales, be considered as supporting its proposed price.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Supplement Suspended Until" column and thereafter until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-11095; Filed, Dec. 31, 1959; 8:45 a.m.]

[Docket No. G-20426 etc.]

WARREN PETROLEUM CORP. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

DECEMBER 22, 1959.

In the matters of Warren Petroleum Corporation (Operator), Docket No. G-20426; Vierson & Cochran (Operator) et al., Docket No. G-20427; Champlin Oil & Refining Company, Docket No G-20428; Delhi-Taylor Oil Corporation, Docket No. G-20429; Mayfair Minerals, Inc., Docket No. G-20430; Union Producing Company (Operator) et al., Docket No. G-20431; Union Producing Company, Docket No. G-20432; Texaco Inc., Docket No. G-20433; Production Associates, Docket No. G-20434; The Superior Oil Company (Operator) et al., Docket No. G-20435; Anderson-Prichard Oil Corporation, Docket No. G-20436; Woods Petroleum Corporation (Operator) et al., Docket No. G-20437; Barrett Petroleum Company (Operator) et al., Docket No. G-20438; Calvert Drilling, Inc. (Operator) et al., Docket No. G-20439; Apache Oil Corporation (Operator) et al., Docket No. G-20440; J. R. Goff, Trustee, Docket No. G-20441; Skinner Corporation (Operator) et al., Docket No. G-20442; Van Norman Oil Company, Docket No. G-20443; J. M. Huber Corporation, Docket No. G-20444.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

Docket Nos.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [2]	Rate suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Psia
G-20426	Warren Petroleum Corp. (Operator).	19	5	Lone Star Gas Co. (Madill Gas Plant, Marshall and Bryan Counties, Okla.).	11-19-59	11-25-59	12-26-59	[3] 5-26-60	11.0	16.8	14.65
G-20427	Vierson & Cochran (Operator) et al.	1	1	Cities Service Gas Co. (Eureka Field, Grant and Alfalfa Counties, Okla.).	11-24-59	11-27-59	1-1-60	6-1-60	[4] 12.0	[4] 13.0	14.65
G-20428	Champlin Oil & Refining Co.	64	1	do	11-25-59	11-27-59	1-1-60	6-1-60	[4] 12.0	[4] 13.0	14.65
G-20429	Delhi-Taylor Oil Corp.	1	6	Trunkline Gas Co. (McAllen and Pharr Fields, Hidalgo County, Tex.).	11-27-59	11-27-59	1-1-60	6-1-60	[5] 12.439	[6] 14.55861	14.65
G-20430	Mayfair Minerals, Inc.	1	6	do	11-27-59	11-27-59	1-1-60	6-1-60	[5] 12.439	[6] 14.55861	14.65
G-20431	Union Producing Co. (Operator) et al.	235	[1]	United Gas Pipe Line Co. (Sandy Hook Field, Marion County, Miss.).	11-17-59	11-30-59			11.979		15.025
		235	1		11-25-59	11-30-59	12-31-59	5-31-60		18.0	15.025
G-20432	Union Producing Co.	72	6	Frank S. Kelly, Jr., et al. (Floyd (Epps) Field, E & W Carroll Parish, La.).	11-25-59	11-30-59	1-1-60	6-1-60	[7] [8] 17.25	[8] 17.75	15.025
G-20433	Texaco Inc.	9	12	Northern Natural Gas Co. (W. Panhandle Field, Carson County, Tex.).	Undated	11-30-59	1-1-60	6-1-60	10.7458	11.7518	14.65
		190	1	Trunkline Gas Co. (Ragley Field, Beauregard Parish, La.).	do	11-30-59	1-1-60	6-1-60	18.1	18.3	15.025
G-20434	Production Associates	1	4	Equitable Gas Co. (Nickolas County, W. Va.).	do	11-30-59	12-31-59	5-31-60	21.0	25.0	15.325
G-20435	The Superior Oil Co. (Operator), et al.	1	13	Trunkline Gas Co. (Lake Creek, Pinehurst and Altair Fields, Montgomery and Colorado Counties, Tex.).	11-20-59	11-23-59	12-24-59	[9] 5-24-60	[10] 15.0	[11] 20.0	14.65
G-20436	Anderson-Prichard Oil Corp.	82	2	Cities Service Gas Co. (NE. Vining Field, Grant and Alfalfa Counties, Okla.).	11-24-59	11-25-59	1-1-60	6-1-60	[12] 12.0	[12] 13.0	14.65
G-20437	Woods Petroleum Corp. (Operator), et al.	2	1	Cities Service Gas Co. (Medford Field, Grant County, Okla.).	11-19-59	12-2-59	1-2-60	6-2-60	[12] 12.0	[12] 13.0	14.65
		1	1	Cities Service Gas Co. (Eureka Field, Grant and Alfalfa Counties, Okla.).	11-19-59	12-2-59	1-2-60	6-2-60	[12] 12.0	[12] 13.0	14.65
G-20438	Barrett Petroleum Co. (Operator), et al.	1	1	Cities Service Gas Co. (Eureka Field, Grant County, Okla.).	12-1-59	12-2-59	1-2-60	6-2-60	[12] 12.0	[12] 13.0	14.65
G-20439	Calvert Drilling, Inc. (Operator), et al.	[1]	[1]	Cities Service Gas Co. (Eureka Field, Grant and Alfalfa Counties, Okla.).	11-30-59	12-2-59	1-2-60	6-2-60	[12] 12.0	[12] 13.0	14.65
		[2]	[2]								
G-20440	Apache Oil Corp. (Operator), et al.	2	1	Cities Service Gas Co. (Salt Plains Field, Alfalfa County, Okla.).	11-27-59	11-30-59	1-1-60	6-1-60	[12] 12.0	[12] 13.0	14.65
G-20441	J. R. Goff, Trustee	1	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parrish, La.).	11-25-59	11-30-59	1-1-60	6-1-60	[12] 18.1	18.3	15.025
G-20442	Skinner Corp. (Operator), et al.	9	3	Tennessee Gas Transmission Co. (Riverside-O'Neil Field, Nueces County, Tex).	Undated	11-27-59	12-28-59	5-28-60	11.90337	14.87589	14.65
		8	3	Tennessee Gas Transmission Co. (Green Branch Field, McMullen and La Salle Counties, Tex.).	do	11-27-59	12-28-59	5-28-60	12.12268	15.0952	14.65
G-20443	Van Norman Oil Co.	1	9	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.).	do	12-1-59	1-1-60	1-2-60	6.8661	8.5784	14.65
G-20444	J. M. Huber Corp.	26	1	Cities Service Gas Co. (W. Eureka Field, Alfalfa County, Okla.).	do	12-1-59	1-1-60	6-1-60	[12] 12.0	[12] 13.0	

[2] The stated effective dates are those requested by respondents or the first day after the expiration of statutory notice, whichever is later.
[3] Or until deliveries of gas commence under the certificates granted in Docket Nos. G-17897, et al., whichever is later.
[4] Includes 0.75 cent per Mcf for dehydration deducted by buyer.
[5] Rate in effect subject to refund in Docket No. G-6504.
[6] Includes 0.25 cent per Mcf for dehydration charged by seller.
[7] Rate in effect subject to refund in Docket No. G-13820 and to order in Docket No. G-15661.
[8] Includes 1.0 cent per Mcf for gathering deducted by buyer.
[9] Or until deliveries of gas commence under the certificates granted in Docket Nos. G-15394, et al., whichever is later.
[10] Rate in effect subject to refund in Docket No. G-18168.
[11] Includes tax reimbursement of 0.26348 cent per Mcf and dehydration charge of 0.21931 cent per Mcf.
[12] Includes 0.75 cent per Mcf dehydration charge deducted by buyer.
[13] Rate in effect subject to refund in Docket No. G-17527 and to orders in Docket Nos. G-15660 and G-14053.
* Contract dated.

Warren Petroleum Corporation (Operator) (Warren), in support of its proposed favored-nation rate increase cites the contract favored-nation provisions and the 16.8-cent rates for new sales to Lone Star in the area, such being authorized by the Commission's Order issued September 18, 1959, in Docket Nos. G-17897, et al. Warren additionally states that the increased rate is justified by an arm's length contract and by comparison with other prices in the area.

Vierson & Cochran (Operator), et al. (Vierson & Cochran) and Champlin Oil & Refining Company in support of their proposed periodic rate increases state that the periodic rate increase provisions of their contracts are common in long-term contracts, constitute an inducement to sellers to commit gas for a long term, and assure receipt of the fair market value of the gas. They also cite higher prices for initial services in the area. Vierson & Cochran additionally states that the contract was negotiated at arm's length and that denial of the increased price would be unjust.

Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc., in support of their proposed redetermined rate increases cite the contract provisions and state that the contracts were negotiated at arm's length. They further state that but for the pricing provision, which insure them receipt of the full market value of the gas, the contracts would not have been executed. Additionally, they state that the proposed rates are just and reasonable, in line with other prices in the area, and denial thereof would be unjust and discriminatory.

Union Producing Company (Operator), et al., and Union Producing Company, in support of their respective renegotiated contract and periodic rate increase state that the increased price tends to partially offset their increased costs of the past ten years and will provide the increased capital and incentive necessary to continue their accelerated exploration and development program.

Texaco Inc., in support of its proposed redetermined rate increase and periodic rate increase submits that the increased redetermined rate is based upon the determination of the Railroad Commission of Texas, that the contracts were negotiated at arm's length, that the increased rates are just and reasonable, and that the proposed prices will partially compensate seller for costs which continually increase. Texaco cites the indices of the United States Bureau of Labor Statistics on employment, earnings, and wholesale prices which indicate increasing costs of wages and prices.

Production Associates in support of its proposed renegotiated rate increase states that its operating and maintenance costs have increased substantially since the execution of the original contract and that at the present price, it will be necessary to curtail the current maintenance program for existing wells and any future drilling program. Production Associates further state that costs have increased for drilling and by reason of the necessity to install a booster compressor on its field lines to offset declining pressures. Also, a letter of agree-

ment to the increased price and signed by the parties was submitted.

The Superior Oil Company (Operator), et al. (Superior), in support of its proposed favored-nation rate increase states that the favored-nation clause is activated by prospective deliveries of gas at 20.0 cents per Mcf to its purchaser under certificates granted by the Commission's Opinion No. 321, In the Matter of Trunkline Gas Company, et al., Docket Nos. G–15394, et al. Superior also states that the contract resulted from arm's length bargaining, that the increased price is just and reasonable, and that denial of the proposed rate would be discriminatory.

Anderson-Prichard Oil Corporation (Anderson-Prichard), Woods Petroleum Corporation (Operator), et al. (Woods), Barrett Petroleum Company (Operator), et al. (Barrett), Calvert Drilling, Inc. (Operator), et al. (Calvert), Apache Oil Corporation (Operator), et al. (Apache), and J. M. Huber Corporation (Huber), in support of their proposed periodic rate increases cite the contract price escalation provisions and state that the contracts were negotiated at arm's length and that the proposed prices are just and reasonable. Anderson-Prichard and Woods also state that the price clause was an important consideration to them in executing the long-term contracts and that the increased price is necessary to offset increasing costs and provide incentive for further exploration. Barrett cites higher prices (for initial services) for other sales in Oklahoma. Calvert states that the entire schedule of prices constituted its initial rate schedule filing and that denial of the increased price would be inequitable and confiscatory. Apache states that it would not have committed the gas without the price escalation provisions which insure it a relatively uniform net income. Huber states that the increased price is an indivisible part of the original contract consideration and is not in excess of the value of the gas or out of line with other prices in the area.

J. R. Goff, Trustee in support of its proposed periodic rate increase cites the contract provisions and states that the contract was negotiated at arm's length, that such pricing provisions are common in long-term contracts, that the pricing provisions are beneficial to both buyer and seller, and that the increased price is fair, just and reasonable and denial thereof would be confiscatory.

Skinner Corporation (Operator), et al. (Skinner), in support of its proposed redetermined rate increases cites the contract provisions, submits copies of buyer's price redetermination letters and states that the contracts were negotiated at arm's length and that the pricing provisions assure receipt of the fair market value of the gas. Skinner states additionally that the increased prices provide only a partial hedge against inflation and increased costs.

Van Norman Oil Company (Van Norman) in support of its proposed revenue-sharing rate increase cites the contract provisions which provide for an increased rate when Phillips' resale rate increases, which rate, in turn, is geared to the rate of Phillips' purchaser. An increased rate subject to refund in Docket No. G–13069 is in effect as to Phillips, being based upon spiral escalation provisions in its contract with its purchaser. In further support, Van Norman states that the contract resulted from arm's-length bargaining and that the increased price is in all respects fair, reasonable and just. Van Norman also requests a one-day suspension period should the Commission suspend its increased rate.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and rate schedule be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements and rate schedule.

(B) Pending hearing and decision thereon, each of the aforementioned supplements and rate schedule is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements and rate schedule hereby suspended, nor the rate schedules sought to be altered by said supplements, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–11098; Filed, Dec. 31, 1959; 8:45 a.m.]

[Project No. 2175]

SOUTHERN CALIFORNIA EDISON COMPANY, BIG CREEK POWER PLANTS NOS. 1 AND 2, AND HUNTINGTON LAKE

Notice of Land Withdrawal; California

DECEMBER 28, 1959.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States is included in power Project No. 2175 for which completed application for license (Major) was filed December 21, 1954. Under said section 24 all lands of the United States lying within the boundaries of the project, as delimited on the maps filed in support of this application are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

PROJECT AREA AND ACCESS ROAD RIGHTS-OF-WAYS

T. 8 S., R. 24 E.,
Sec. 25: SW¼;
Sec. 26: NE¼SE¼, S½SE¼;
Sec. 35: N½NE¼, SE¼NE¼, S½;
Sec. 36: SE¼NE¼, E½SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, NE¼SE¼, NE¼NW¼SE¼, S½NW¼SE¼, S½SE¼.
T. 9 S., R. 24 E.,
Sec 2: Lots 3, 4, SW¼NW¼;
Sec. 3: Lot 1, S½NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 9: S½NE¼, NE¼SE¼;
Sec. 10: W½NW¼;
Sec. 16: NW¼NE¼, NE¼NW¼;
Sec. 20: SE¼SE¼;
Sec. 21: S½SW¼SW¼;
Sec. 28: W½NW¼NW¼, W½E½NW¼NW¼, SW¼NW¼, SW¼;
Sec. 32: E½E½;
Sec. 33: W½NW¼, SW¼SW¼.
T. 10 S., R. 24 E.,
Sec. 5: Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 8: N½NE¼, SW¼NE¼;
Sec. 17: SE¼SE¼;
Sec. 20: SW¼NE¼, SW¼SE¼;
Sec. 29: W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 32: W½NW¼.
T. 8 S., R. 25 E.,
Sec. 11: NE¼SE¼, S½SE¼;
Sec. 12: S½N½, S½;
Sec. 13: N½N½;
Sec. 14: NW¼NE¼, S½NE¼, N½NW¼, SW¼NW¼, NE¼SW¼, N½SW¼, SW¼SW¼;
Sec. 15: N½S½SE¼NE¼, SW¼NE¼, S½NW¼, W½NW¼SW¼, W½NE¼NW¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 16: SE¼NE¼, NE¼SE¼, SE¼SE¼SE¼;
Sec. 21: NE¼NE¼, E½SE¼;
Sec. 22: N½NE¼, W½, N½SE¼;
Sec. 23: NW¼NW¼, S½NW¼, N½SW¼;
Sec. 27: NW¼, W½SW¼;
Sec. 28: E½, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 31: Lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32: W½NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 33: NW¼NE¼, NW¼, N½SW¼;
Sec. 34: NW¼NW¼.
T. 9 S., R. 25 E.,
Sec. 6: unsurveyed N½N½.
T. 8 S., R. 26 E.,
Sec. 5: NE¼SW¼, S½SW¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8: W½W½;
Sec. 17: NW¼NW¼;
Sec. 18: Lot 1, N½NE¼, SW¼NE¼, NE¼NW¼.

TELEPHONE LINE RIGHT-OF-WAY

T. 8 S., R. 24 E.,
Sec. 25: SE¼SW¼;
Sec. 26: W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 27: NE¼SE¼, S½SE¼;
Sec. 33: SE¼SE¼;
Sec. 34: W½NE¼, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 35: NW¼NE¼;
Sec. 36: N½NE¼, NE¼NW¼.

T. 9 S., R. 24 E.,
Sec. 3: Lot 3, S½NW¼, W½SW¼;
Sec. 4: SE¼NE¼, E½SE¼;
Sec. 8: SE¼SE¼;
Sec. 9: NE¼NE¼, S½NE¼, NE¼SW¼, S½ SW¼, NW¼SE¼;
Sec. 10: NW¼NW¼;
Sec. 17: Lot 4, N½NE¼, SW¼NE¼, NE¼ SW¼, S½SW¼;
Sec. 18: Lot 10, SE¼.
T. 8 S., R. 25 E.,
Sec. 28: SW¼SW¼;
Sec. 31: Lot 1, N½NE¼, SE¼NE¼, NE¼ NW¼;
Sec. 32: N½NE¼, NW¼;
Sec. 33: NW¼NW¼.

TRANSMISSION LINE RIGHT-OF-WAY

T. 11 S., R. 23 E.,
Sec. 14: SW¼NE¼, NE¼SW¼.
T. 12 S., R. 23 E.,
Sec. 3: Lot 16.
T. 8 S., R. 24 E.,
Sec. 34: SE¼SE¼;
Sec. 35: S½S½;
Sec. 36: N½SW¼, SW¼SW¼, NE¼NW¼ SE¼, S½NW¼SE¼, NE¼SE¼.
T. 9 S., R. 24 E.,
Sec. 2: Lots 3, 4;
Sec. 3: Lot 1, S½NE¼, E½SW¼, NW¼ SE¼;
Sec. 9: SE¼NE¼, SE¼SW¼, NE¼SE¼, W½SE¼;
Sec. 16: NW¼NE¼, E½NW¼, N½SW¼, SE¼SW¼;
Sec. 17: N½S½;
Sec. 18: Lot 10, NE¼SE¼;
Sec. 21: NE¼NW¼, N½SE¼NW¼, SE¼ SW¼NW¼, S½SW¼SW¼;
Sec. 28: W½E½NW¼NW¼, SW¼NW¼, W½SW¼;
Sec. 32: E½SE¼;
Sec. 33: W½W½.
T. 10 S., R. 24 E.,
Sec. 5: Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 8: E½NE¼;
Sec. 20: SW¼NE¼, SW¼SE¼;
Sec. 29: W½NE¼, NE¼SW¼, S½SW¼;
Sec. 32: N½NW¼, SW¼NW¼.
T. 8 S., R. 25 E.,
Sec. 28: SE¼SW¼;
Sec. 31: Lot 3, NE¼SW¼, N½SE¼;
Sec. 32: N½S½, SE¼NE¼;
Sec. 33: N½NW¼, SW¼NW¼.
T. 26 S., R. 27 E.,
Sec. 10: SE¼NE¼;
Sec. 26: NW¼SW¼, S½SW¼.
T. 27 S., R. 27 E.,
Sec. 2: SE¼SW¼, SW¼SE¼;
Sec. 14: NW¼NE¼, S½NE¼, N½SE¼, SE¼SE¼.
T. 28 S., R. 28 E.,
Sec. 6: W½SW¼;
Sec. 8: W½SW¼.
T. 29 S., R. 28 E.,
Sec. 24: SW¼NE¼.

The general determination made by the Commission at its meeting of April 17, 1922 (2nd. Ann. Rept. 128) is applicable to those portions of the aforesaid land reserved for transmission line right-of-way purposes only.

The area of United States land reserved pursuant to the filing of this application is approximately 2,608.55 acres, of which approximately 2,155.56 acres are within the Powerhouse Nos. 1 and 2, Huntington Lake Areas, and access road rights-of-ways. Approximately 66.83 acres are within the project telephone line right-of-way and approximately 386.16 acres are within transmission line rights-of-ways, as delimited on project maps, Exhibits "J" sheets 1 and 2, Exhibits "K" sheets 3 to 17, inclusive (F.P.C. Nos. 2175-1 to 17 inclusive) filed in the Commission December 21, 1954.

All of the United States lands except approximately 6.16 acres, within the transmission line right-of-way, are within the Sierra National Forest, and all except approximately 136.51 acres, have been heretofore reserved for power purposes under Projects Nos. 67, 105, 110, 120, 1870, 2017, 2085, Power Site Classification No. 138 or by Power Site Reserve No. 347.

Copies of project maps (F.P.C. Nos. 2175-1 to 17 inclusive) have been transmitted to Bureau of Land Management, Geological Survey and Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11157; Filed, Dec. 31, 1959; 8:45 a.m.]

[Docket Nos. G-16593 etc.]

TIDEWATER OIL CO. ET AL.

Order Permitting Rates Subject to Refund To Reflect Decreases in Rates [1]

DECEMBER 24, 1959.

In the matters of Tidewater Oil Company, Docket No. G-16593; Tidewater Oil Company (Operator), et al. Docket No. G-16594; Midwest Oil Corporation (Operator), et al. Docket No. G-16673; Midwest Oil Corporation, Docket No. G-16646.

The above-named Respondents have tendered for filing proposed changes reflecting the appropriate Louisiana gas-severance tax reimbursement in lieu of the Louisiana gas-gathering tax. The filings correct the tax increments of rate increases filed by the said Respondents prior to the increase of the Louisiana gas-severance tax and the suspension of the Louisiana gas-gathering tax which became effective as of December 1, 1958. The proposed changes, hereinafter designated, relate only to tax adjustments for suspended rate increases which became effective subject to refund after December 1, 1958 and are in the nature of corrections and decreases in rates. The jurisdictional sales of natural gas herein involved are from Tidewater Oil Company, individually and as Operator, et al., to United Fuel Gas Company and from Midwest Oil Corporation, individually and as Operator, et al., to Texas Eastern Transmission Corporation.

The acceptance for filing of the aforementioned supplements, which shall become effective on the date that the rate increases herein became effective subject to refund, does not otherwise effect, modify, or change the several rate suspension proceedings involved herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Date tendered	Cents Per Mcf		Date suspended rate effective subject to refund
					Rate in effect subject to refund	Proposed decreased rate	
G-16593	Tidewater Oil Co	24	1 to 9	11-27-59	19.35	19.1	4-1-59
G-16594	Tidewater Oil Co. (Operator), et al.	25	1 to 5	11-27-59	19.35	19.1	4-1-59
		60	1 to 3	11-27-59	19.35	19.1	4-1-59
G-16673	Midwest Oil Corp. (Operator), et al.	11	1 to 7	12- 1-59	15.9257	15.8007	4-1-59
G-16646	Midwest Oil Corp	13	1 to 5	12- 1-59	15.9257	15.8007	4-1-59
		9	1 to 8	12- 1-59	15.9257	15.8007	4-1-59

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the aforementioned supplements be accepted for filing and be allowed to become effective on April 1, 1959: *Provided, however,* That such acceptance shall not otherwise effect, modify, or change the rate suspension proceedings in Docket Nos. G-16593, G-16594, G-16673 and G-16646.

The Commission orders: The aforementioned supplements are accepted for filing and are permitted to take effect as of April 1, 1959: *Provided, however,* That such acceptance and permission shall not otherwise effect, modify, or change the rate suspension proceedings in Docket Nos. G-16593, G-16594, G-16673 and G-16646.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11158; Filed, Dec. 31, 1959; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[Docket Nos. G-20514, G-20515]

CRESCENT PRODUCTION CO., INC., ET AL.

Order Providing for Hearings, Suspending Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject To Refund [1]

DECEMBER 24, 1959.

In the matters of Crescent Production Company, Inc., et al., Docket No. G-20514, Harway Producers, Inc., Docket No. G-20515.

On November 27, 1959, Crescent Production Company, Inc., et al. (Crescent) and Harway Producers, Inc. (Harway) separately tendered for filing proposed changes in presently effective rate schedules which are subject to refund, for jurisdictional sales of natural gas to Mississippi River Fuel Corporation from the North Choudrant and North Ruston Fields, Lincoln Parish, Louisiana. The proposed changes are contained in Notices of Change dated November 25, 1959; and provide for increased rates and charges of 1.666 cents per Mcf effective December 28, 1959,[2] to reflect Crescent's and Harway's interpretation

[2] The stated effective date is the first day after expiration of statutory notice.

of the Louisiana gas-severance tax reimbursement provisions of their rate schedules. The proposed changes are designated as follows:

Supplement No. 5 to Crescent's FPC Gas Rate Schedule No. 10.[3]
Supplement No. 6 to Crescent's FPC Gas Rate Schedule No. 11.[4]
Supplement No. 5 to Harway's FPC Gas Rate Schedule No. 1.[5]

Crescent and Harway interpret the Louisiana gas-severance tax as a similar and substituted tax for the suspended Louisiana gas-gathering tax. As such interpretation appears to be questionable, it is considered that it should be determined after hearing.

The changed rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the said proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rates be made effective as hereinafter provided and that both Crescent and Harway be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates and charges contained in the above-designated supplements.

(B) Pending such hearings and decisions thereon, said supplements be and each hereby is suspended and the use thereof deferred until December 29, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rates, charges and classifications set forth in the above-designated supplements shall be effective December 29, 1959: *Provided, however,* That within 20 days from the date of this order, Crescent and Harway shall severally execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Crescent and Harway shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final orders of the Commission, the tax reimbursement portion of the increased rates found by the Commission in its proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Crescent and Harway until refunded; each shall bear all its costs of any such refunding; each shall keep accurate accounts in detail of all of its amounts received by reason of the changed rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and each shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Crescent and Harway so elects, for each billing period, and for each respective purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the changed rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Crescent and Harway shall severally execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of the (Respondent) To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued (Date), in Docket No. G-------, the (Respondent) hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ---- day of ---------

----
(Respondent)

Attest:

By ----------

As a further condition of this order, Crescent and Harway shall file with its said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Crescent and Harway are advised to the contrary within 15 days after the date of filing such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(F) If Crescent and Harway shall, in conformity with the terms and conditions of paragraph (D) of this order make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until its proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested state commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-11156; Filed, Dec. 31, 1959; 8:45 a.m.]

[3] The presently effective rates are subject to refund in Docket No. G-17676.
[4] The presently effective rates are subject to refund in Docket No. G-16411.
[5] The presently effective rates are subject to refund in Docket No. G-17678.

CIVIL AERONAUTICS BOARD

[Docket No. SA-350]

ACCIDENT OCCURRING AT CHICAGO, ILL.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 102R, which occurred November 24, 1959, at Chicago, Illinois; Docket No. SA-350.

Notice is hereby given that an Accident Investigation Hearing on the above styled matter will be held commencing January 5, 1960, at 0930 (local time) in the Louis XVI Ballroom of the Shoreland Hotel, Chicago, Illinois.

Dated this 28th day of December 1959.

[SEAL] M. F. ROSCOE,
Acting Hearing Officer.

[F.R. Doc. 59-11176; Filed, Dec. 31, 1959; 8:46 a.m.]

[Docket No. SA-349]

ACCIDENT OCCURRING IN GULF OF MEXICO

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 4891, which occurred November 16, 1959, in the Gulf of Mexico; Docket No. SA-349.

Notice is hereby given that an Accident Investigation Hearing on the above styled matter will be held commencing January 15, 1960, at 0900 (local time) in the Coronation Room of the Empress Hotel, Miami Beach, Florida.

Dated this 29th day of December 1959.

[SEAL] M. F. ROSCOE,
Acting Hearing Officer.

[F.R. Doc. 59-11177; Filed, Dec. 31, 1959; 8:46 a.m.]

[Docket No. SA-351]

ACCIDENT NEAR WILLIAMSPORT, PA.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 174A, which occurred December 1, 1959, near Williamsport, Pennsylvania; Docket No. SA-351.

Notice is hereby given that an Accident Investigation Hearing on the above styled matter will be held commencing on January 6, 1960, at 0900 (local time) in the Ballroom of the Lycoming Hotel, Williamsport, Pennsylvania.

Dated this 28th day of December 1959.

[SEAL] JOHN L. MCWHORTER,
Hearing Officer.

[F.R. Doc. 59-11178; Filed, Dec. 31, 1959; 8:46 a.m.]